



CWP-20585-2017 (O&M)

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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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CWP-20585-2017 (O&M)
Date of Decision :20.01.2025

Narinder Pal Singh

...Petitioner

Versus

**The Managing Director M/S Axis Securities
and Sales Limited and others**

....Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. P.P.S. Duggal, Advocate for the petitioner.

Mr. Deepak Sonak, Advocate with
Mr. Raman Kumar, Advocate for respondents No.1 & 2.

Harsimran Singh Sethi, J. (Oral)

1. In the present petition, the grievance being raised by the petitioner is that once the petitioner has been reinstated in service, he should have been given back wages as admissible.

2. Learned counsel for the respondents submits that even the respondents were aggrieved against the award and they have filed writ petition being CWP-9190-2017, which was dismissed by the Coordinate Bench of this Court vide order dated 01.05.2017 and in pursuance of the same, the petitioner has already been reinstated.

3. I have heard learned counsel for the parties and have gone through the record with their able assistance.

4. The back wages can only be given in case, an employee has pleaded before the authorities concerned that he was not gainfully employed

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and proved the said averment on the basis of evidence.

5. On being asked, learned counsel for the petitioner has not been able to point out any evidence, which has come on record that the petitioner was not gainfully employed during the pendency of the proceedings before the Labour Court after the termination of his services. In the absence of any evidence that the petitioner was not gainfully employed, non-grant of the back wages by the Tribunal needs no interference by this Court.

6. As per the settled principle of law, the back wages can only be granted if the factum of unemployment/not gainfully employed, is proved before the authority concerned.

7. In the present case, the petitioner has not been able to prove that he was not gainfully employed so as to claim back wages. Even during the hearing, no perversity in the said finding could be brought out with regard to the evidence which the petitioner had brought on record qua the claim of back wages.

8. Keeping in view the above, no ground for interference by this Court is made out and the writ petition is accordingly dismissed.

9. Civil miscellaneous application pending, if any, is also disposed of.

January 20, 2025
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No