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

CWP-7353-2013 (O&M)

Date of Decision : 02-04-2025

**THE DIVISIONAL FOREST OFFICER, KURUKSHETRA FOREST
DIVISION**

.....Petitioner

VERSUS

**THE PRESIDING OFFICER LABOUR COURT AMBALA AND
ANR.**

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Saurabh Girdhar, AAG Haryana.

None for respondent No.2.

HARSIMRAN SINGH SETHI, J. (Oral)

1. The present petition has been filed challenging the award dated 12.06.2012 (Annexure P-3) by which, the respondent-Workman was directed to be reinstated in service with continuity and 50% of backwages.
2. Learned counsel for the petitioner argues that as of now, the respondent No.2-Workman has already been granted with the benefit of reinstatement in service hence, the question which needs to be decided is qua the grant of 50% of backwages, which benefit granted to the respondent-Workman has already been stayed while issuing notice of motion on 05.04.2013.
3. None has appeared on behalf of the respondent No.2.

4. I have heard learned counsel for the petitioner and has gone through the records of the present case with his able assistance.

5. Though, the termination for the respondent No.2-Workman has been held to be bad but the fact as to whether, the respondent No.2-Workman was gainfully employed during the period after his termination has been noticed while granting the benefit of 50% of backwages. No pleadings to the said effect on behalf of the respondent No.2-Workman was made by him and the reply if any, filed by the respondent No.2-Workman has been taken into account while granting 50% of the backwages.

6. It should be noted that the benefit of backwages can only be granted to compensate the employee in case, the employee is not gainfully employed during the period after the termination of his/her services. In the present case, no such pleading was raised by the employee that he was not gainfully employed during the period after his termination and has not been noticed by authorities concerned while granting the benefit of 50% of backwages.

7. In the absence of the relevant averments not being made or considered, the grant of benefit of 50% backwages to the employee, cannot be sustained hence, by maintaining the award dated 2.06.2012 (Annexure P-3) qua reinstatement in service and continuity of service, the grant of benefit of 50% of backwages is set aside.

8. Pending application, if any, also stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

02-04-2025

Sapna Goyal

NOTE: Whether speaking: YES
Whether reportable: NO