



229 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of Decision : 21-04-2025

1. CWP-27397-2017 (O&M)

MAHARANI KISHORI JAT KANYA AND ANR.

.....Petitioner(s)

VERSUS

PRESIDING OFFICER AND ANR.

.....Respondent(s)

2. CWP-27399-2017 (O&M)

MAHARANI KISHORI JAT KANYA AND ANR.

.....Petitioner(s)

VERSUS

RAJESH AND ANR.

.....Respondent(s)

3. CWP-27401-2017 (O&M)

MAHARANI KISHORI JAT KANYA AND ANR.

.....Petitioner(s)

VERSUS

PARVEEN KUMARI AND ANR.

.....Respondent(s)

4. CWP-12816-2018 (O&M)

MAHARANI KISHORI JAT KANYA AND ANR.

.....Petitioner(s)

VERSUS

SATISH KUMAR AND ANR.

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Naveen Kumar, Advocate (*joined through V.C.*) with
Mr. Arman Goyal, Advocate
for the petitioners (in all the cases).

Mr. Sandeep K Sharma, Advocate
For the respondent No.1 in CWP No.12816 of 208.

Mr. Sandeep Singal, Advocate
For respondent No. 2 in CWP Nos.27397, 27399

and 27401 of 2017.

HARSIMRAN SINGH SETHI, J. (Oral)

1. Present are the bunch of four writ petitions, the details of which are mentioned in the heading involve common question of law in the context of common set of facts and thus they are being decided by a common order.

2. In the present bunch of petitions, the challenge is to the impugned award dated 18.09.2017 (Annexure P-8) passed by the Labour Court, by which the respondent(s)-Workmen were directed to be reinstated with continuity in service and other consequential benefits but without backwages, which is causing prejudice to the petitioner.

3. Learned counsel appearing on behalf of the respondent(s)-Workmen at the outset submits that as per the impugned award dated 18.09.2017 (Annexure P-8) passed, only the reinstatement along with continuity of service was given but no backwages were given and all the respondent(s)-Workmen were allowed to join in compliance of the award hence, once, the impugned award dated 18.09.2017 (Annexure P-8) has already been complied with, setting aside the same will serve no purpose.

4. Learned counsel for the petitioner(s) submits that though all the respondent(s)-Workmen were reinstated and except the Workman in CWP No.27397 of 2017, who was also reinstated has left the job but the others are working.

5. Learned counsel for the respondent(s)-Workmen submits that as, the Workman in CWP No.27397 of 2017 has left the job on his own after reinstatement, the present petition may kindly be disposed of as having been not pressed as the award executed in his favour.

6. Learned counsel for the respondent(s)-Workmen in the remaining writ petitions submits that as the award dated 18.09.2017 (Annexure P-8) passed by the Labour Court has also been complied in other writ petitions, the other writ petitions have also been rendered infructuous keeping in view the statement of the learned counsel for the petitioner in CWP No.27397 of 2017.

7. I have heard the learned counsel for the parties and have gone through the records of the present case with their able assistance.

8. Once, the ground which was taken by the petitioner-Institute was that keeping in view of the decrease in the strength of the students, the services of the respondent-Workmen had become surplus and their services have been dispensed with and now as a matter of fact, for the last more than 5 years, the respondent(s)-Workmen are working, though in compliance of the award dated 18.09.2017 (Annexure P-8), it cannot be said that the award passed by the Labour Court was perverse to the facts and the material evidence on record.

9. Learned counsel for the petitioner(s) submits that when the respondent(s)-Workmen were appointed, the work requirement was not assessed and respondent(s)-Workmen were straightaway appointed by the then management. Even if, the same was done, but once the respondent(s)-Workmen were working and they had discharged the duties and especially for the last 5 years after reinstatement and they are still working and nothing evident has come on record against the work and conduct of the respondent(s)-Workmen, dispensing their services at this stage, will be too harsh only on the ground that at the time of their initial appointment, the requirement of the work to be discharged by the respondent(s)-Workmen

was not assessed by the Managing Committee which had appointed them at the relevant point of time.

10. Keeping in view the above, no ground is made out for any interference as the impugned award dated 18.09.2017 (Annexure P-8) passed has already been complied with since long.

11. However, it may be noticed that merely that the respondent(s)-Workmen have been reinstated and are being allowed to work does not mean that in case henceforth, any eventuality arises with regard to the decrease of the workload or there is a question-mark on the work and conduct of the respondent(s)-Workmen, cannot be taken by the petitioner-Institute. In those events, the petitioner-Institute will be within its rights to follow the Rules governing the service for taking appropriate action.

12. Learned counsel for the petitioner-Institute submits that rather than reinstating, the compensation should have been paid to the respondent(s)-Workmen. The said situation has gone for the reasons as the respondent(s)-Workmen has also been reinstated and they are working for the last so many years hence, now throwing them out for the payment of compensation, cannot be accepted.

13. Writ petitions are accordingly dismissed.

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

15. Photocopy of this order be placed on the files of other connected cases.

(HARSIMRAN SINGH SETHI)
JUDGE

21-04-2025

Sapna Goyal

NOTE: Whether speaking: YES
Whether reportable: NO