



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

**CWP-29702-2017
Date of Decision:27.05.2025**

**KRISHAN DUTT SHARMA ...Petitioner
Vs.
STATE OF HARYANA AND OTHERS ...Respondents**

2. CWP-29948-2022

**THE KURUKSHETRA CENTRAL COOPERATIVE BANK LTD. ...Petitioner
Vs.
KRISHAN DUTT SHARMA AND OTHERS ...Respondents**

CORAM:- HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Jawahar Lal Goyal, Advocate
for the petitioner in CWP-29702-2017 and
for respondent No.1 in CWP-29948-2022.

Mr. Pardeep Solath, Advocate
for the petitioner in CWP-29948-2022 and
for respondent No.5 in CWP-29702-2017.

Mr. Saurabh Girdhar, AAG, Haryana.

HARSIMRAN SINGH SETHI, J. (Oral)

1. In the present petitions, the challenge is to the award dated 04.04.2016 by the Workman as well as by the Kurukshetra Central Cooperative Bank Ltd. where the workman was working. The challenge to the aforementioned award by the Workman is *qua* the non-grant of the backwages whereas, the employer is challenging the said award with regard to the grant of reinstatement, seniority and other benefits including the process of absorption permanent basis on the post of 'Sewak'.

2. Learned counsel for the Workman submits that the award dated



04.04.2016 as it has already been implemented and the Workman was reinstated in service and ultimately he was retired from service on 30.06.2022. Learned counsel for the Workman submits that as of now the only question which remains is with regard to the grant of backwages.

3. I have heard learned counsel for the workman as well as counsele appeared on behalf of the employer.

4. The issue with regard to the non-grant of backwages is being agitated by the workman only on the ground that once the termination was held to be bad by the Labour Court, the necessary backwages have to be granted. It may be noticed that the backwages are only to be granted in case the the workman is not gainfully employed during the period he remained out of service. On being asked to point out any material evidence which has been brought on record to show that Workman was not gainfully employed, learned counsel for the Workman, on getting instructions from the Workman who himself is present in Court today concedes that no such evidence was brought on record.

5. Once, there is no claim submitted for adjudication before the Labour Court *qua* the backwages and no material evidence has been brought on record by the Workman, the claim of backwages cannot be allowed. Nothing evident has been brought on record that the Workman was not gainfully employed so as to be granted backwages hence, the finding recorded by the Labour Court with regard to the non-grant of backwages cannot be treated as perverse either to the facts or the evidence brought on record. Hence, the same needs no interference by this Court.



6. With regard to the other writ petition filed by the employer, once the award dated 04.04.2016 has already been implemented and the workman was reinstated and has already retired, no interference is called for with regard to the finding of the Labour Court which stands implemented.

7. In view of the above, both the writ petitions are dismissed.

8. A photocopy of the order be placed on the file of other connected case.

(HARSIMRAN SINGH SETHI)
JUDGE

27.05.2025

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Whether speaking/reasoned : *Yes*
Whether reportable : *No*