

**CWP-40407-2018 (O&M)****1**

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

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**CWP-40407-2018 (O&M)
Date of Decision :03.04.2025**

The Divisional Forest Officer, Panipat**...Petitioners**

Versus

Dhanpat and others**... Respondents****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Naveen S. Panwar, DAG, Hayyana for petitioner-State.

Mr. Vinod Gupta, Advocate for respondent No.1.

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Harsimran Singh Sethi, J. (Oral)

1. In the present petition, the challenge is to the award dated 16.02.2017 (Annexure P/3) passed by the Presiding Officer, Industrial Tribunal-cum-Labour Court, Panipat by which, the respondent No.1-workman was directed to be reinstated in service along with continuity in service along with 50% back wages from the date of demand notice dated 17.04.2014.

2. Learned counsel for the petitioner-State argues that on the date when the services of the respondent No.1-workman was terminated he had already crossed the age of superannuation and was more than 60 years of age and hence, without considering the said fact, a direction has been given by the Labour Court to provide the respondent-workman with the benefit of



for reinstatement in service along with continuity and 50% back wages which impugned award needs to be modified.

3. Learned counsel for the petitioner-State further submits that qua the other similarly situated employee who are yet to attain the age of superannuation, the benefit of back wages have already been reduced to 30% from 50% from the date of the demand notice by way of **CWP-22006 of 2017 titled as Divisional Forest Officer, Kaithal vs. Tekka @ Tek Ram and another, decided on 05.09.2024** hence, in the present petition the award should be modified suitably.

4. Keeping in view the fact that the respondent No.1-workman had already attained the age of superannuation on the date when his services were retrenched, which fact is not rebutted by the learned counsel for respondent-workman, the benefit of reinstatement in service could not have been granted by the Labour Court. Hence, the said direction is accordingly modified.

5. In the present case, once, on the date of retrenchment, the respondent No.1-workman had already attained the age of superannuation, his services could not have been treated to be retrenched. The said fact has not been noticed by the Labour Court.

6. Keeping in view the totality of the facts and circumstances of the present case that on the date when the services of the respondent No.1-workman were dispensed with he had already attained the age of 60 years, hence, the impugned award dated 16.02.2017 (Annexure P/3) passed by the Presiding Officer, Industrial Tribunal-cum-Labour Court, Panipat in favour of the respondent No.1-workman is set aside as no direction for

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reinstatement or back wages could have been given.

8. Present petition is allowed in above stated terms.

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

April 03, 2025
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No