

CM-2463-CWP-2025 in
RA-CW-20-2018 in
CWP-2531-2017

2025:PHHC:024939



1

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(111)

CM-2463-CWP-2025 in
RA-CW-20-2018 in
CWP-2531-2017
Date of Decision : 20.02.2025

Sukhdevi

...Petitioner

Versus

The District Development and Panchayat Officer, Kurukshetra and
others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Pritam Singh Saini, Advocate with
Mr. Deepak Singh Saini, Advocate and
Ms. Vamika Johar, Advocate for the applicant-petitioner.

Harsimran Singh Sethi J. (Oral)

CM-2463-CWP-2025

The present application has been filed by respondent No. 3-Gram Panchayat for the purpose of staying the proceedings going on before the Civil Judge (Sr. Divn.) so as to stay the execution of the Award, as was modified by this Court vide order dated 24.11.2017 while passing the order in CWP No. 2531 of 2017.

Learned counsel appearing on behalf of the applicant-respondent No. 3 submits that against the order dated 24.11.2017 passed by this Court, a review petition had been filed by respondent No. 3-Gram Panchayat and it is the prayer of the applicant-respondent No. 3 that during



the pendency of the review petition, the execution of the Award may kindly be stayed.

Learned counsel for the applicant-respondent No. 3 submits that on one hand the execution proceeding in accordance of order dated 24.11.2017 of this Court are being continued and on the other hand, the order passed by this Court against which review petition has been filed and is being sought to be executed by respondent-employer is not being heard which is causing prejudice to the applicant. Learned counsel for the applicant submits that either the proceedings before the Executing Court should be carried on or the review petition filed by the review applicant may kindly be heard and decided on merit so that no prejudice is caused to the review applicant.

Keeping in view the request made by the learned counsel for the review applicant, the review petition is taken up for consideration and the present application is disposed of accordingly.

RA-CW-20-2018

1. It may be noticed that the review-applicant has been filed by respondent No. 3-Gram Panchayat against the order dated 24.11.2017 passed by the Co-ordinate Bench, by which the Award passed by the Labour Court dated 23.08.2016 (Annexure P-4) had been set-aside and the petitioner-workman was directed to be reinstated in service along with all service benefits including monetary benefits.

2. Learned counsel for the review-applicant submits that though, the respondent No. 3-Gram Panchayat, who was the employer of the



petitioner-workman, was impleaded as a party and was also served but, the same could not be represented only on the account that the counsel who was to represent the Gram Panchayat had already been elevated to Bench of this Court. Learned counsel further submits that because of the said non-availability of the counsel the assertions of the Gram Panchayat could not be noticed by the Co-ordinate Bench while passing the order dated 24.11.2017 and, therefore, the said order should be reviewed.

3. On being asked by this Court, as to what are the assertions which need to be considered, learned counsel for the review-applicant submits that the petitioner was directed to be reinstated in service but, after the passing of the order, in the year 2017, another employee was appointed by respondent-employer in the place of the petitioner, hence, the benefit of reinstatement along with service benefit could not have been ordered by the Court while setting-aside the Award of the Labour Court dated 23.08.2016 (Annexure P-4).

4. The further argument raised by the learned counsel for the review-applicant is that the petitioner-workman had at the time of passing of order dated 24.11.2017 by this Court already attained the age of superannuation and, therefore, the benefit of reinstatement could not have been given by the Court vide its order dated 24.11.2017.

5. I have heard learned counsel for the petitioner-workman and have gone through the record with his able assistance.

6. Firstly, once an Award has been set-aside on merit by recording certain findings, the consequential relief given by the Court has to be



implemented. The Award was passed by the Labour Court in the year 2016 and the same was set-aside by this Court while passing the order dated 24.11.2017. In case, the petitioner was to be reinstated, she had to be reinstated even if, the appointment had been given to somebody else. The said appointment of another person needed to be withdrawn by respondent-employer so as to accommodate the petitioner, who was continuing in service with respondent-employer since the year 2008 and, therefore, any fact subsequent to the passing of the Award, cannot bind the review-applicant not to provide for the relief granted by the Competent Court of Law, hence, the said argument is not a ground to modify the order passed by the Co-ordinate Bench of this Court dated 24.11.2017.

7. The further argument of the learned counsel for the review-applicant is that the petitioner had attained the age of superannuation. It is worthwhile to notice here that by the order dated 24.11.2017 which is sought to be reviewed, the benefit of reinstatement along with other benefits has been given, which means that the petitioner shall continue to be deemed in service from the date of the termination of her service and she shall continue till she is entitled to continue in service keeping in view the rules and regulations of the department. In case, as is in present scenario, petitioner had already attained the age of superannuation, she shall be deemed to be in service upto the said date of her attaining superannuation keeping in view the benefit extended by the Court.

8. Nothing has been ordered by this Court by its order dated 24.11.2017 that the petitioner is to be treated as a reinstated employee for all

**CM-2463-CWP-2025 in
RA-CW-20-2018 in
CWP-2531-2017**

2025:PHHC:024939



times to come. Hence, there is no need to modify the order keeping in view the assertions, which have been raised by the Gram Panchayat, which have been noticed here-in-before.

9. Keeping in view the above, no ground is made out for any review of the order dated 24.11.2017.

10. Dismissed.

February 20, 2025
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No