



CWP-10524-2001 (O&M)

1

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

(204)

**CWP-10524-2001 (O&M)
Date of Decision : 27.02.2025**

State of Haryana

...Petitioner

Versus

Daya Chand and another

...Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Kapil Bansal, DAG, Haryana for the petitioner.

Mr. Ashwani Bakshi, Advocate for respondent No.1/workman.

KULDEEP TIWARI, J. (ORAL)

1. The petitioner/Management, fetching grievance from the award dated 21.07.2000 (Annexure P-17), passed by learned Industrial Tribunal-cum-Labour Court, Gurgaon (respondent No.2), has approached this Court, through the instant writ petition, cast under Article 226/227 of the Constitution of India, wherethrough, the reference was answered in favour of the respondent No.1/workman, and he was granted the relief of reinstatement with continuity in service, and full back wages from the date of issuance of demand notice, i.e. 28.03.1997 (Annexure P-3).

2. Learned counsel for the petitioner/State, at the outset apprises this Court, that respondent No.1/workman, was reinstated into the service on 04.04.2000, i.e. prior to passing of the award (supra), and despite this, learned Tribunal concerned, has not considered this fact, and has mechanically passed the order of reinstatement with continuity of service and full back wages.



3. Learned counsel representing the respondent No.1/workman, does not dispute the factum of reinstatement. Further, he apprised this Court that in the year 2004, the petitioner/Management, had made efforts to retrench the respondent No.1/workman, by serving a retrenchment notice, which was challenged by the workman, by filing a CWP-9090-2004 and connected matter, before Division Bench of this Court.

4. During the pendency of the instant writ petition, the above said writ petition was disposed of, vide order dated 26.08.2015. The relevant is extracted hereinafter :-

“We have been informed that both the petitioners are still working. The issue of their retrenchment has not been considered and decided by the Competent Authority, as they have approached this Court against the notice and the operation of the notice was stayed.

In view of the above facts, after hearing learned counsel for the parties, we dispose of this writ petition with liberty to the respondents to consider and decide the retrenchment notice issued by them after providing an opportunity of hearing to the petitioner and pass a speaking order.

In case the petitioners are ordered to continue in service their claim for regularization be also considered. Till final decision is taken in this regard by the respondents, the petitioners will continue in services.

These petitions are accordingly disposed of.”

5. At this stage, learned counsel for the petitioner/Management, on instructions imparted to him from Mr. Sunil, Clerk, DFO Rewari, apprises this Court that respondent No.1/workman, is still continuing in service.

6. Now the only issue, which remains pending consideration is

with regard to the payment of full back wages. He further apprises this Court



that similar issue has arisen in a bunch of petitions, bearing **CWP-22006-2017 and other connected matters**, decided on 05.09.2024, by Coordinate Bench of this Court, wherein, the back wages were reduced from 50% to 30%. The relevant paragraph of the said judgment, is extracted hereinafter:-

“17. Considering the fact that workmen have already been re-engaged, they are working since their re-engagement and they had not worked during the period from retrenchment to reinstatement, this Court finds it appropriate to reduce the amount of back wages from 50% to 30%. The said amount shall be paid within three months from today and it would not carry interest.”

7. On the anvil of the above settled legal proposition of law, coupled with the fact that respondent No.1/workman, was already reinstated into the service, before passing of the award (supra), and he is still continuing in service, therefore, the impugned award is modified, to the extent, that respondent No.1/workman, is entitled to 25% back wages, which shall be payable by the petitioner/Management, within a period of six weeks, from the date of receipt of certified copy of this order.

8. Consequently, the instant writ petition is **disposed of**.

9. In case, the back wages are not paid to the respondent No.1/workman, within the stipulated period, he shall further be entitled for interest @ 6%.

(KULDEEP TIWARI)
JUDGE

February 27, 2026
Manpreet