

CWP-4353-2005

-1-

225

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

CWP-4353-2005

Date of Decision : **07.04.2026**

STATE OF HARYANA

.....Petitioner

VERSUS

HARNAM

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

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

Mr. Ram Avtar Sheoran, Advocate,
for the LR's of respondent no.2 (a) to (e).

KULDEEP TIWARI, J. (Oral)

1. Through the instant petition, as cast under Article 226/227 of the Constitution of India, the legality of the order dated 05.05.2004 (Annexure P-4), passed by the learned Industrial Tribunal concerned, in an application under the provisions of Section 33-C(2) of the Industrial Disputes Act, 1947, preferred by respondent no.2-workman, has been put challenge by the petitioner-management.

2. By referring to the Award dated 14.08.1998 (Annexure P-1), learned counsel for the petitioner submits that the reference was answered in favour of respondent no.2-workman (since deceased), and he was held entitled for reinstatement on the previous post, with continuous service alongwith 25% of back-wages. Therefore, respondent no.2-workman, is only entitled for the back wages till the date of passing of the Award, and not the date when he actually joined i.e. on 17.08.2000.

3. On the other hand, learned counsel representing the LR's of respondent no.2-workman, submits that though the Award was passed on 14.08.1998, however, the workman was not allowed to join well in time. He was able to join his duties only on the intervention of the executing court vide order dated 17.08.2000. Therefore, the petitioner-management cannot take advantage of their own fault.

4. This Court has heard the rival submissions, and has perused the entire case file.

5. What surfaced from the perusal of the file, is that, respondent no.2-workman was appointed as Chowkidar on daily wages on 11.11.1980, with the petitioner-management. He worked with the petitioner-management upto 09.02.1989, however, his services were terminated on 28.02.1989, without following the due procedure of law. The learned Tribunal concerned, after considering the record, found the termination of the workman illegal, and was held entitled for reinstatement on the previous post with continuity of service alongwith 25% of the back wages vide Award dated 14.08.1998. The Award was not given effect to by the petitioner-management, therefore, with the intervention of the executing court, the workman was finally allowed to join his services on 17.08.2000. Immediately thereafter, i.e. on 25.08.2000, the workman left the job and handed over the charge of the store to the petitioner-management, on the ground of poor health. Thereafter, on 24.10.2000, unfortunately, the demise of workman, had occurred. The application as preferred under Section 33-C(2) of the

CWP-4353-2005

-3-

Industrial Disputes Act, 1947, with regard to the payment of 25% back wages as awarded was allowed by the learned Tribunal concerned, vide order 05.05.2024, where through, he he was held entitled for Rs.74,890.39/- along with interest at the rate of 9% p.a. The said order has been put to challenge by the petitioner-management.

6. The only ground, as raised before this Court by learned counsel for the LRs of respondent no.2-workman, is, that the calculation with regard to 25% back wages is only upto the date of passing of the Award i.e. 14.08.1998 (Annexure P-1), and not the date when he was allowed to join the duties.

7. No other argument was raised before this Court.

8. This Court finds that the aforesaid submission, does not carry any merit. It was the petitioner-management, which did not allow the respondent-workman to join his duties. Therefore, the 25% back wages are to be paid till the date when he was allowed to join his duties.

9. Hence, this Court does not find any reason to interfere into the well reasoned order, as passed by the learned Tribunal concerned.

10. Accordingly, the instant petition, is hereby, **dismissed**.

11. All pending application(s), if any, also stand **disposed** of accordingly.

April 07, 2026
dharamvir

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No