



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

CM-93-CWP-2020 in/and
CWP-30197-2019 (O&M)
Date of decision: 24.04.2026

Punjab State Co-operative Supply and Marketing Federation Limited
Chandigarh and others
....Petitioners

Versus

Presiding Officer, Industrial Tribunal, Bathinda, and another
....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Saurabh Gupta, Advocate,
for the applicant-petitioners.

Mr. Shiv Kumar, Advocate,
for respondent No.2.

KULDEEP TIWARI, J. (Oral)

1. With the consent of learned counsel for the contesting parties, the main case itself is taken on board for final disposal.

2. The Management, through the instant writ petition, as cast under Articles 226/227 of the Constitution of India, is before this Court against the award dated 11.04.2019 (Annexure P-1), vide which, the reference was answered in favour of the respondent-workman. Accordingly, the petitioner-Management was directed to reinstate the workman with continuity of service, and also granted him liberty to recover 20% back wages from the date of demand notice till reinstatement.

3. Learned counsel for the petitioner-Management, while vehemently opposing the award, submits that there is no evidence to establish the relationship of employer and employee between the parties. Further, though, respondent No.2 was initially hired directly by the petitioner-Management, subsequently, he was engaged through an



outsourcing agency. However, the learned Tribunal failed consider the abovesaid decisive factors, while passing the impugned award.

4. Having heard learned counsel for the parties, this Court does not find any force in the submissions advanced on behalf of the petitioner-Management.

5. A thorough analysis of the impugned award reflects that the learned Tribunal has dealt with the issue in question *in extenso*. Further, Rakesh Vijay, who stepped into witness box of MW-1, categorically conceded that workman remained an employee of the Management w.e.f. 25.11.1985, till 07.04.1995. In such circumstances, this Court finds no reason to interfere with the impugned award.

6. At this stage, this Court has been apprised of the fact that the respondent-workman was reinstated way back, and thus, the award has been implemented, though partially.

7. As a consequence, the only issue, which subsists for adjudication by this Court, is with regard to the rights of the workman to recover 20% back wages, as have been granted by the learned Industrial Tribunal.

8. Learned counsel for the respondent-workman, fairly submits that he has instructions that the workman does not intend to press the issue of back wages.

9. In the wake of the abovesaid development, nothing survives for adjudication by this Court. Accordingly, the instant writ petition is **disposed of**, with a modification in the impugned award to the extent that the workman is entitled to reinstatement with continuity of service, however, without any back wages.

10. Pending application, if any, also stands disposed of.

(KULDEEP TIWARI)
JUDGE

24.04.2026
Ak Sharma

Whether speaking/reasoned	Yes
Whether reportable	Yes/No