

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

116

CWP-36624-2019

Date of Decision : February 26, 2026

M/S BRY-AIR (INDIA) PVT. LTD.

-PETITIONER

V/S

BHAGIRATH SINGH LOHIYA AND ANR.

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Ashwani Talwar, Sr. Advocate, with
Ms. Vaishnavi Sikka, Advocate, and
Mr. Deepak Goyat, Advocate
for the petitioner.

Mr. Rahul Rathore, Advocate
for the respondent No.1.

KULDEEP TIWARI, J. (ORAL)

1. Through the instant writ petition, the petitioner/management has assailed the award dated 07.11.2019 passed by the Industrial Tribunal, Gurugram, whereby the respondent No.1/workman has been held entitled to reinstatement with continuity of service, along with 25% back wages and all consequential benefits.

2. Learned senior counsel for the management submits that, prior to the passing of the impugned award and the filing of the instant writ petition, the workman had already attained the age of superannuation on 12.06.2017. Therefore, the validity of the impugned award insofar as it directs reinstatement need not be examined, and the only issue now warranting adjudication pertains to the quantum of 25% back wages.

3. Learned senior counsel for the management further submits that, in order to uphold its commitment as a model employer dedicated to

the welfare of workmen, the management is willing to pay 25% back wages to the workman, which have been calculated at ₹1,65,308/-, and a cheque for the said amount is presently available with him to be handed over to learned counsel for the workman.

4. *Per contra*, learned counsel for the workman, upon instructions, submits that the workman is not willing to accept the cheque amount, as he believes that the correct computation of back wages far exceeds the sum offered by the management. It is submitted that the workman intends to recover the amount of 25% back wages by filing an execution application before the executing court.

5. In view of the above, learned senior counsel for the management submits that he does not wish to press the instant writ petition.

6. Accordingly, the instant writ petition stands **dismissed as not pressed**.

February 26, 2026
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(KULDEEP TIWARI)
JUDGE

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