



CWP-7923-2012

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

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CWP-7923-2012

Date of Decision :25.02.2025

**The Panipat Central Cooperative Bank Ltd.****...Petitioner**

**Versus**

**The Presiding Officer, The Industrial  
Tribunal-cum-Labour Court, Panipat & others****...Respondents****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Kuldeep Singh, Advocate for the petitioner-Bank.

Mr. J.S. Dahiya, Advocate with Mr. Parul Kumar, Advocate  
for respondent No.2 to 6.

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**Harsimran Singh Sethi, J. (Oral)**

1. In the present petition, the challenge is to the award dated 30.11.2011 (Annexure P/6) passed by the Presiding Officer, Industrial Tribunal-cum-Labour Court, Panipat by which, the respondent-Workman, who had already died during the pendency of the proceedings before the Labour Court, has been granted the benefit of 50% back wages from the date of the demand notice dated 14.09.2007 till the date of death of the respondent-Workman concerned i.e. 17.07.2009.

2. Learned counsel for the petitioner-Bank argues that the impugned award dated 30.11.2011 (Annexure P/6) passed by the Labour Court is arbitrary and illegal as qua the allegations of embezzlement alleged, an FIR was registered against the respondent-Workman (deceased)



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and though, he has been acquitted but, on the basis of the said acquittal, the respondent-Workman (deceased) could not have claimed wages by claiming the benefit of reinstatement in service.

3. Learned counsel appearing for the respondent-Workman (deceased) submits that the false allegations of embezzlement were alleged for which an FIR got registered against the respondent-Workman (deceased) and once, the respondent-Workman (deceased) had already been acquitted of the said allegations, it was incumbent upon the petitioner-Bank to reconsider the dismissal of the respondent-Workman (deceased) and as before any action could have been taken by the authority concerned, the respondent-Workman has already died & after his death the legal representatives are entitled to claim the benefit of 50% back wages from the date of the demand notice dated 14.09.2007 till the date of death of the respondent-Workman on 17.07.2009 and hence, the impugned award dated 30.11.2011 (Annexure P/6) is liable to be upheld.

4. I have heard learned counsel for the parties and have gone through the record with their able assistance.

5. Once, the allegations qua embezzlement which were alleged against the respondent-Workman (deceased) were not proved and the respondent-Workman (deceased) only claimed reconsideration of his claim of reinstatement keeping in view the aforementioned fact and as the petitioner-Bank was not deciding the said issue, the respondent-Workman (deceased) approached the Labour Court seeking benefit of reinstatement in service but unfortunately died on 17.07.2009 during the pendency of the proceedings before the Labour Court, the grant of relief by the Labour Court

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keeping in view the facts and circumstances of the present case cannot be treated to be arbitrary and illegal as only the relief of 50% back wages from the date of demand notice dated 14.09.2007 till the date of death of the respondent-Workman on 17.07.2009 has been granted so as to be claimed by the legal representatives of the respondent-Workman (deceased).

6. Keeping in view the fact that after the acquittal only the relief of 50% back wages from the date of the demand notice till the date of death of the respondent-Workman has been granted coupled with the fact that no perversity keeping in view the material evidence which was brought on record as well as the settled principle of law, has been pointed out by the learned counsel for the petitioner-Bank hence, no ground for interference by this Court is made out and the writ petition is accordingly dismissed.

**February 25, 2025**  
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**(HARSIMRAN SINGH SETHI)**  
**JUDGE**

*Whether speaking/reasoned : Yes*  
*Whether reportable : No*