

**CWP No. 18634 of 2024 (O&M) and  
other connected cases**

2025:PHHC:073752



**1**

**IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH  
(Sr. No. 224+225+226+227+228+229)**

**(1) CWP No. 18634 of 2024 (O&M)  
Date of Decision : 28.05.2025**

**M/s Checkmate Service Pvt. Ltd.**

**...Petitioner**

**Versus**

**Assistant Labour Commissioner-cum-Conciliation Officer, U.T.,  
Chandigarh and others**

**...Respondents**

**(2) CWP No. 24332 of 2024 (O&M)**

**M/s Checkmate Service Pvt. Ltd.**

**...Petitioner**

**Versus**

**Assistant Labour Commissioner-cum-Conciliation Officer, U.T.,  
Chandigarh and others**

**...Respondents**

**(3) CWP No. 24333 of 2024 (O&M)**

**M/s Checkmate Service Pvt. Ltd.**

**...Petitioner**

**Versus**

**Assistant Labour Commissioner-cum-Conciliation Officer, U.T.,  
Chandigarh and others**

**...Respondents**

**(4) CWP No. 24334 of 2024 (O&M)**

**M/s Checkmate Service Pvt. Ltd.**

**...Petitioner**

**Versus**

**Assistant Labour Commissioner-cum-Conciliation Officer, U.T.,  
Chandigarh and others**

**...Respondents**

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**(5) CWP No. 24637 of 2024 (O&M)**

**M/s Checkmate Service Pvt. Ltd.**

**...Petitioner**

**Versus**

**Assistant Labour Commissioner-cum-Conciliation Officer, U.T.,  
Chandigarh and others**

**...Respondents**

**(6) CWP No. 24342 of 2024 (O&M)**

**M/s Checkmate Service Pvt. Ltd.**

**...Petitioner**

**Versus**

**Assistant Labour Commissioner-cum-Conciliation Officer, U.T.,  
Chandigarh and others**

**...Respondents**

**(7) CWP No. 24369 of 2024 (O&M)**

**M/s Checkmate Service Pvt. Ltd.**

**...Petitioner**

**Versus**

**Assistant Labour Commissioner-cum-Conciliation Officer, U.T.,  
Chandigarh and others**

**...Respondents**

**(8) CWP No. 24413 of 2024 (O&M)**

**M/s Checkmate Service Pvt. Ltd.**

**...Petitioner**

**Versus**

**Assistant Labour Commissioner-cum-Conciliation Officer, U.T.,  
Chandigarh and others**

**...Respondents**

**(9) CWP No. 21104 of 2024 (O&M)**

**M/s Checkmate Service Pvt. Ltd.**

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**3**

**...Petitioner**

**Versus**

**Assistant Labour Commissioner-cum-Conciliation Officer, U.T.,  
Chandigarh and others**

**...Respondents**

**(10)**

**CWP No. 21173 of 2024 (O&M)**

**M/s Checkmate Service Pvt. Ltd.**

**...Petitioner**

**Versus**

**Assistant Labour Commissioner-cum-Conciliation Officer, U.T.,  
Chandigarh and others**

**...Respondents**

**(11)**

**CWP No. 21177 of 2024 (O&M)**

**M/s Checkmate Service Pvt. Ltd.**

**...Petitioner**

**Versus**

**Assistant Labour Commissioner-cum-Conciliation Officer, U.T.,  
Chandigarh and others**

**...Respondents**

**(12)**

**CWP No. 21185 of 2024 (O&M)**

**M/s Checkmate Service Pvt. Ltd.**

**...Petitioner**

**Versus**

**Assistant Labour Commissioner-cum-Conciliation Officer, U.T.,  
Chandigarh and others**

**...Respondents**

**(13)**

**CWP No. 24879 of 2024 (O&M)**

**M/s Checkmate Service Pvt. Ltd.**

**...Petitioner**

**Versus**



**Assistant Labour Commissioner-cum-Conciliation Officer, U.T.,  
Chandigarh and others**

**...Respondents**

***CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI***

Present: Mr. Varinder Arora, Advocate for the petitioner  
in all cases.

Mr. Ajay Singh Rawat, Advocate for respondent No. 3  
in all cases.

Mr. Shivoy Dhir, Advocate for the respondent-Axis Bank  
in all cases.

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

1. In the present bunch of 13 petitions, the details of which have been given in the heading, the challenge is to the Award passed by the Labour Court by which, the respondent-workmen have been reinstated in service with continuity and 50% of the back wages.

2. Learned counsel for the petitioner submits that in the present petitions, the respondent-workmen have absented themselves from the duty, which amounted to mis-conduct and rather than joining at the place where they were posted, they absented themselves and raised a claim before the Court that their services have been terminated. Learned counsel for the petitioner further submits that at the first given option, it was brought to the notice of the authorities/Labour Court that the services of the respondent-workmen were never terminated and the petitioner is ready to allow the respondent-workmen to join back but without continuity and back wages and



they will be posted as per the vacancies available in Chandigarh and nearby stations including Jalandhar, Ludhiana and Panchkula.

3. Learned counsel for the petitioner further submits that keeping in view the said stand of petitioner, a finding has been recorded by the Labour Court that there is illegal termination of the services of the workmen being in violation of Section 25F of Industrial Disputes Act, 1947 (hereinafter referred to as '1947 Act') and the benefit of reinstatement with continuity of service and 50% back wages has been granted, which is arbitrary and illegal, especially when the workmen refused to perform the duties.

4. Learned counsel for the petitioner argues that in most of the cases, nothing has come on record that the workmen were not gainfully employed during the said period and no evidence has been brought on record to prove that the workmen were not gainfully employed so as to be compensated by the grant of 50% back wages hence, the said benefit has been granted without there being any factual aspect as well as evidence to support the grant of the said benefit.

5. Learned counsel appearing on behalf of the respondent-workmen submits that the respondent-workmen were transferred intentionally to far off places so that the workmen do not join at the transferred place and plea could be taken that their services are deemed to be terminated and the said action of the petitioner-Management was agitated before the Labour Court and the Labour Court has rightly recorded the finding that the services of the workmen were illegally terminated in



violation of Section 25(F) of 1947 Act and granted the consequential benefits of reinstatement with continuity in service as well as the back wages to the tune of 50% which Awards may kindly be upheld.

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

7. Once, the petitioner-Management at the first given option brought to the notice of the Court that they are not averse in allowing the workmen to join and their services were not terminated rather workmen refused to perform the duties of the transferred place but they are not entitled to continuity and back wages, the finding recorded by the Labour Court that the services of the workmen were illegally terminated has to be seen in light of said factual aspect. No order terminating the services passed by the petitioner has been brought on record. In the absence of any such order passed, it cannot be said that mere transfer of an employee from one place to another will amount to termination of services. The recording of the said finding by the Labour Court is not correct and is perverse to the evidence on record.

8. Further, once the employer was ready to take back the employees, the only aspect which was to be seen by the Labour Court is whether the workmen should be reinstated with continuity or not especially when it is a conceded fact that after the transfer of the workmen, they never performed the duty. Rather than only granting the continuity, even the back wages have been granted by the Labour Court. The back wages can only be granted in case the employees were not gainfully employed so as to



compensate the said employee for the loss due to the illegal termination. In the present petitions, there was no termination hence, question of any illegality on the part of the employer cannot be fastened so as to burden the employer with back wages.

9. Further, it has come on record that even as of now, the workmen are working somewhere else. No factual aspects were mentioned in the claim petitions that they were or are not gainfully employed and no evidence to the said effect has been brought on record. In the absence of any said fact or evidence, the grant of back wages to the workmen is contrary/perverse to the evidence and the facts brought on record.

10. Keeping in view the totality of the circumstances, the impugned Awards with regard to the reinstatement and continuity of service are upheld but with regard to the grant of back wages, the same are set-aside.

11. The writ petitions are allowed in above terms.

12. Pending miscellaneous application, if any, also stands disposed of.

13. A photocopy of this order be placed on the file of connected cases.

**May 28, 2025**  
*kanchan*

**(HARSIMRAN SINGH SETHI)**  
**JUDGE**

*Whether speaking/reasoned : Yes*

*Whether reportable : No*