



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

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**CWP-2180-2001 (O&M)
Decided on :26.03.2025**

KAMESHWAR SAHU

. .Petitioner

Versus

PRESIDING OFFICER, INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT GURGAON AND ANOTHER

. . . Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

PRESENT: Mr. Ashwani Bakshi, Advocate for the petitioner.

None for the respondents.

HARSIMRAN SINGH SETHI, J. (Oral)

1. In the present petition, the challenge is to the impugned order dated 04.08.2000 (Annexure P-6) by which, though the benefit of reinstatement in service has been granted to the petitioner, but the benefit of back-wages has not been granted to him by the Tribunal, which is arbitrary and illegal.

2. Learned counsel for the petitioner submits that once the petitioner has been granted the benefit of reinstatement in service, the benefit of back-wages should have also been granted, which benefit has not been granted by the Tribunal while passing the impugned order dated 04.08.2000 (Annexure P-6), hence, the said impugned order needs to be modified.

3. Further, learned counsel for the petitioner argues that the findings which have been recorded by the Tribunal that the petitioner had absented himself from the duties, is incorrect.

4. I have heard learned counsel for the petitioner and have gone through the case file with his able assistance.



5. A bare perusal of the findings recorded by the Tribunal in the paragraph No. 8 of the impugned award would show that the petitioner willfully absented himself from his duties and there is no act on the part of the respondents-management to terminate the services of the petitioner and rather, the respondent-management was before the labour Court to contend that they are ready to take back the petitioner on duty. Keeping in view the said fact, the petitioner has already been granted the benefit of reinstatement alongwith continuity in service by the Tribunal but without back-wages.

6. Once in view of the said stand taken by the respondents-department a findings have been recorded by the labour Court on the basis of the evidence which had come on record, the same can not be treated to be perverse in any manner as learned counsel for the workman has not been able to prove that the findings recorded by the Labour Court is perverse to the facts and evidence brought on record.

7. Keeping in view the totality of the facts and circumstances of the present case, no ground is made out for any interference by this Court, qua the impugned order, hence, the present petition is dismissed.

8. Pending civil miscellaneous application, if any, stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

26.03.2025

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Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No