



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(218)

CWP No. 8048 of 1998 (O&M)

Date of Decision : 25.03.2025

Zila Parishad Gurdaspur

...Petitioner

Versus

Presiding Officer, Industrial Tribunal, Punjab, Chandigarh and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. P.K. Mutneja, Senior Advocate with
Mr. Akshay Goel, Advocate,
Mr. Gurman Singh, Advocate and
Mr. Suverna Mutneja, Advocate for the petitioner.

Ms. Manveen Kahlon, Advocate for the respondents.

Harsimran Singh Sethi J. (Oral)

1. In the present petition, the challenge is to the Award dated 29.09.1997 (Annexure P-8) passed by the Labour Court by which the Workmen have been given the benefit of reinstatement with consequential benefits as well as back wages to the tune of 50%. In the present petition, the challenge is only to the grant of back wages as the impugned Award was not stayed qua the reinstatement granted.

2. Learned senior counsel appearing on behalf of the petitioner submits that the grant of benefit of back wages is incorrect as, there was no action on the part of the petitioner, which was found to be bad hence, the benefit of 50% back wages should not have been made admissible.

3. Learned counsel appearing on behalf of the Workmen submits that though, the Award was not stayed qua the reinstatement but the



Workmen were not reinstated and as of now, the Workmen has already expired. Learned counsel for the respondent-Workmen submits that only benefit of the Award that can be extended is grant of 50% back wages as awarded by the Tribunal, which may kindly be upheld.

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

5. The impugned Award with regard to the grant of benefit of reinstatement was already upheld once, the Division Bench while admitting the writ petition only stayed the back wages. Further, the claim of the petitioner that the benefit of 50% back wages should not be given, need not to be interfered with at this stage, especially when the Workmen have already died waiting for the outcome of the present petition, which was filed 27 years ago.

6. Keeping in view the totality of the circumstances, especially when the Workmen had worked for 20 years before their services were terminated and the Workmen were working on a Class-IV posts and nothing has come on record to show that they were gainfully employed, the grant of benefit of 50% back wages in the facts and circumstances of the present case need no interference at the hands of this Court.

7. Present petition is dismissed.

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

March 25, 2025
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No