

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CWP No. 7143 of 1996

Date of decision July 31, 2009

Ramesh Kumar

..... Petitioner

Versus

The Presiding Officer, Labour Court U.T. Chandigarh and another.

..... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present:- Mr. O. P. Batra, Advocate
for the petitioner.

None for the respondents.

1. Whether reporters of local newspapers may be allowed to see the judgment ? No
2. To be referred to the reporters or not? No
3. Whether the judgment should be reported in the digest? No

K. Kannan, J(oral).

The award of the Labour Court denying the workman back wages, while ordering reinstatement is questioned by the workman. The Labour Court has found that the workman had been employed on ad hoc process during leave vacancy and he had no right to claim back wages. However, Labour Court ordered reinstatement in view of the fact that two other persons had been reinstated and which decisions stood up to the Hon'ble Supreme Court . The Labour Court was not in a position to direct regularization but still to keep the status of the workman at par with the two other persons who gained reinstatement, had directed reinstatement. There was a good ground for denial of back wages in a case where the contention made on behalf of the workman itself was fragile. No exception could be taken by the order of the Labour Court and it calls for no interference in the writ petition.

The writ petition is accordingly dismissed.

(K. KANNAN)
JUDGE

July 31, 2009
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