
(2012) 07 SHI CK 0078
In the High Court Of Himachal Pradesh
Case No : CWP No. 1364 of 2010-B.

The Executive Engineer, Dharampur Division, HP PWD,
Dharampur, Tehsil Sarkaghat, District Mandi, Himachal
Pradesh

APPELLANT

Vs

Surender Kumar

RESPONDENT

Date of Decision : 25-07-2012

Acts Referred:

Citation : (2012) 07 SHI CK 0078

Hon'ble Judges : V.K. Ahuja, J

Bench : Single Bench

Advocate : J.S. Guleria, Assistant A.G, for the Appellant; Rahul Mahajan, for the Respondent

Judgement

Justice V.K. Ahuja, J.—The claimant, respondent herein, who was engaged as daily wage Beldar by the petitioner, was working as such and in the year 2005, he was retrenched by the petitioner. The Labour Commissioner made a reference to the Labour Court to adjudicate the dispute. The claimant filed a claim and as per the award, dated 27th June, 2009, passed by the Labour Court, the reference was answered in favour of the claimant and the petitioner was directed to reinstate the claimant and 50% back wages were also awarded in favour of the claimant. Accordingly, the present writ petition has been filed by the State challenging the said order passed by the Labour Court. During the course of submissions, my attention has been drawn to the decision of a Division Bench of this court passed in Executive Engineer, HPPWD, Dharampur Division versus Dhani Ram, Latest HLJ 2010(HP) Vol.2, 972. The petitioners in those cases were also working in Dharampur Division as the present claimant/respondent and after considering the claim of the claimants for 50% back wages, as ordered by the Labour Court, the Division Bench ordered that a sum of Rs. 50,000/- shall be payable to the claimant in lump sum.

2. The decision in the aforesaid case applies to the present facts also since the

claimant is similarly placed and he shall be entitled to a sum of Rs. 50,000/- in lump sum in lieu of 50% back wages, as ordered by the Labour Court. The award of the Labour Court stands modified to this extent only. The petition stands disposed of accordingly, so also the pending application(s), if any.