
(2011) 03 SHI CK 0157
In the High Court Of Himachal Pradesh
Case No : C.W.P. No. 2064 of 2009

The Executive Engineer, HPPWD

APPELLANT

Vs

Chhaju Ram

RESPONDENT

Date of Decision : 09-03-2011

Acts Referred:

Citation : (2011) 03 SHI CK 0157

Hon'ble Judges : Deepak Gupta, J

Bench : Single Bench

Judgement

Deepak Gupta, J.—The only question raised in this petition is whether the workman employee is entitled to back-wages or not.

2. The services of the employee were terminated in July, 1992 and the employee for the first time filed a reference to the Labour Commissioner in the year 1998 i.e. six years later. Even though the Labour Commissioner did not take any action for many years, the employee did not approach this Court and a reference was made to the Labour Court only on 19.11.2005. Thereafter, the matter was heard by the Labour Court and the employee appeared before the Labour Court on June 4, 2008 and made the following statement:

I have become an aged person. I am about 55 and often remain sick. Now I am not able to do any kind of Govt. job. Now I do not wish to be in the employ of HP PWD. I therefore withdraw my claim for my reinstatement in job. However, I may be awarded compensation for the unlawful termination of my services.

3. It is obvious that the employee did not want to join Government service but only wanted back wages. In such a case the award of 50% back-wages that too from 1992 is totally unjustified. Therefore, I feel that this is a fit case where a fixed monetary compensation may be paid to the employee.

4. Keeping in view all the facts and circumstances and taking into consideration the delay in filing the reference petition as well as the fact that the employee has

himself stated that he does not want to join the Government service, I am of the considered view that the interest of justice will be met in case the State is directed to pay a sum of Rs. 50,000/- to the Petitioner against his all claims in full satisfaction of all claims. This amount be paid to the Petitioner on or before 31st July, 2011 failing which the Petitioner shall be entitled to interest @ 9% p.a. from today.

5. The petition is disposed of in the aforesaid terms. No costs.