

**CWP-6288-2018****IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****(238)****CWP-6288-2018 (O&M)
Date of Decision : 14.05.2026**

Upma Saini

...Petitioner

Versus

Labour Court cum Industrial Tribunal,
Amritsar and another

...Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARIPresent: Mr. Vivek Chauhan, Advocate
for the petitioner.

Mr. Amit Kumar Goyal, Addl. AG, Punjab.

KULDEEP TIWARI, J. (ORAL)

1. Through the instant writ petition, cast under Article 226/227 of the Constitution of India, challenge is thrown to the order dated 07.12.2017 (Annexure P-6), passed by learned Industrial Tribunal, Amritsar, wherethrough, the application under Section 144 of CPC, for directing the petitioner, to refund the excess amount of Rs.8,65,496/-, to the respondent/department, by way of attachment in compliance to the order dated 08.09.2009, passed by Coordinate Bench of this Court, in CWP-15458-2000, was allowed, and the petitioner was directed to refund the excess amount, which she has received.

2. Succinctly, the petitioner raised an industrial dispute, by filing a claim statement, on account of termination of her services. The claim statement was subsequently converted into the reference, and was sent to the Labour Court concerned. The reference was allowed in favour of the

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petitioner/workwoman, and she was ordered to be reinstated with continuity of service and back wages, vide award dated 09.09.1999. The said award was challenged by the Management/State, by filing a CWP-15458-2000, titled 'Punjab State vs. Upma Saini', decided on 08.09.2009. The said writ petition was partially accepted, and the award was modified, to the extent, that the petitioner/workwoman was held entitled to relief of compensation of Rs.25,000/-, only, for non-compliance of the provisions of Section 25(F) of the ID Act.

3. The order passed in the writ petition (supra), was challenged by the petitioner, by filing an intra Court appeal bearing LPA No.1435 of 2009, which was dismissed, vide order dated 22.12.2009, with the observations that even, if the petitioner/workwoman joined the service, on account of the award, which has been set aside, no right would survive. However, it was specifically directed that if the workwoman has been paid any wages, for the period she has worked, the same will not be disturbed. The relevant part of the observations, is extracted hereinafter :-

*“The workman was appointed in work-charged establishment on purely temporary basis. The appointment being to a public post without following due procedure of law, order of reinstatement could not be justified even if he had worked for 240 days. Reference may be made to law laid down by the Hon'ble Supreme Court in **Jaipur Development Authority v. Ramsahai and another** 2006(11) SCC 1, **M.P. and others v. Lalit Kumar Verma** 2007 (1) SCC 575, **Mahboob Deepak v. Nagar Panchayat, Gajraula** 2008(1) SCC 575 and **Ghaziabad Development Authority and another v. Ashok Kumar and another** 2008(4) SCC 261. Learned Single Judge has observed in para 5 of the impugned order that the workman did not offer his services in pursuance of award.*



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Even if the workman did join, as is stated by learned counsel for the appellant, the same would not create any right. Once an award is set aside, right of the workman under the award did not survive. It is, however, made clear that if the workman has been paid any wages for the period he has worked, the same will not be disturbed.”

4. During the pendency of CWP-15458-2000, before this Court, the award was got executed through the Executing Court. The respondent/Management, paid the back wages to the petitioner/workwoman, to the tune of Rs.8,90,496/-, under protest. She was allowed to join the service on 07.07.2009. Further, she submitted an undertaking on 04.08.2009, to the effect, that if any order is passed by Hon'ble High Court, in the writ petition (supra), same will be binding upon her, and the excess amount shall be refunded to the department.

5. As already explained above, the petitioner/workwoman, has lost the litigation upto the Division Bench of this Court, wherein, LPA preferred by her was dismissed. The verdict passed in the writ petition (supra), has now attained finality, thereby, giving a cause of action to the respondent/Management, to file an application under Section 144 of CPC, seeking restoration of the application, and for directing the petitioner/workwoman, to refund the excess amount. The said application was allowed. Considering the undertaking given by the petitioner, and following the principles laid down in '**High Court of Punjab and Haryana and others vs. Jagdev Singh**' a direction was passed upon the petitioner to return the excess amount, through an order dated 07.12.2017 (Annexure P-6),

6. At this stage, learned counsel for the petitioner apprises this Court that the excess amount has already been paid back to the



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respondent/Management, and therefore, nothing survives in the instant writ petition, and he does not wish to press the same.

7. Consequently, the instant writ petition is **dismissed being not pressed.**

**(KULDEEP TIWARI)
JUDGE**

May 14, 2026
Manpreet

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No