

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

LPA No.12 of 2026

Date of Decision : 22.07.2026

**The Divisional Forest Officer, Suket Forest Division, Sunder Nagar,
District Mandi, Himachal Pradesh**

..... Appellant

Versus

Bhag Singh

..... Respondent

Coram:

The Hon'ble Mr. Justice G.S. Sandhawalia, Chief Justice

The Hon'ble Mr. Justice Bipin Chander Negi, Judge

Whether approved for reporting?¹

For the Appellant : Mr. Pranay Pratap Singh, Additional Advocate General.

For the Respondent : Mr. Naresh K. Verma, Advocate.

G.S. Sandhawalia, Chief Justice (Oral)

The challenge in the present Letters Patent Appeal is to the judgment of learned Single Judge, passed in **CWP No.7455 of 2023** titled **Bhag Singh vs. Divisional Forest Officer**, decided on 18.09.2025, whereby the learned Single Judge allowed the writ petition filed by the workman and set aside the award of the Labour Court dated 15.12.2022, whereby a sum of ₹75,000/- as compensation had been assessed to be paid to the petitioner.

2. Vide the judgment under consideration, the learned Single Judge came to the conclusion that directions would liable to be issued to re-engage the petitioner afresh w.e.f. 01.11.2025, as a Class-IV employee

on bill base/contract/ daily-wage basis, without any seniority and without any back wages and that it would be a fresh engagement.

3. The reasoning, as such, was that the Labour Court had come to the conclusion that there was delay by the workman and the fact that for one of the years, the workman had not completed 240 days. There was delay, as per the finding recorded by the Labour Court, which was not justified as per the learned Single Judge, on account of the fact that the workman had completed 240 days in one of the years of work in 1999, the relief as such was granted to re-engage him w.e.f. 01.11.2025.

4. It is not disputed that the initial engagement of the workman was in the year 1998, and his dis-engagement was on 30.11.2002. The Labour Court, vide its award dated 15.12.2022, recorded a finding of fact, as such, that the period for which the workman was employed, was 283 days in the year 1999, 79 days in the year 2000, 22 days in 2001, and 96 days in 2002, as per the man-days chart, Exhibit RW-1/B.

5. In such circumstances, the benefit as such of Section 25F of the Industrial Disputes Act, 1947 was not granted, since he had not worked for a minimum of 240 days in the 12 Calendar months preceding his termination, which was in the year 2002.

6. The demand notice had apparently been served on 09.09.2004, which would be clear from Annexure P-2. The order passed by the Labour Commissioner on 28.05.2013 shows that initially the reference had been declined, which had been followed by an earlier declining also on 30.10.2007. The Labour Court, however, on the other

hand, had come to the conclusion that there was a violation of Section 25G of the Industrial Disputes Act, 1947, as juniors had been retained and the workman had not been called back, and there was nothing on record to show that there was an abandonment of work. Similarly, the priority for re-engagement for a fresh hand had also not been given, and therefore, even though there was a violation of Section 25H of the Industrial Disputes Act, 1947, in such circumstances, a finding had been recorded that the demand had been raised for the first time in the year 2011, and only a sum of ₹75,000/- as such had been granted as a compensation.

7. Apparently, there was no delay as noticed above in Annexure P-2, since the demand notice had been initially raised on 09.09.2004, served upon the Labour Inspector-cum-Conciliation Officer, in such circumstances, the learned Single Judge has rightly come to the conclusion that there was no delay as such on the part of the workman in raising the industrial dispute.

8. The only aspect that remains now is whether the workman is liable to be re-engaged, keeping in view the fact that he has worked for a very nominal period, for five years, as detailed above, that also more than two decades back.

9. In such circumstances, the Apex Court has, time and again, come to the conclusion that the workman can be duly compensated by granting him lump-sum compensation, rather than directing reinstatement.

10. Reliance can be placed upon the judgment of the Apex Court in ***Bharat Sanchar Nigam Limited vs. Man Singh and other connected***

cases, (2012) 1 SCC 558, which was also followed in *Assistant Engineer, Rajasthan Development Corporation and Another v. Gitam Singh, (2013) 5 SCC 136*.

11. In *Bharat Sanchar Nigam Limited v. Bhurumal, (2014) 7 SCC 177*, the issue of lump-sum compensation in stead of reinstatement under Sections 25F and 25G of the Industrial Disputes Act, 1947 was the subject matter of consideration. And similarly, in *District Development Officer and Another v. Satish Kantilal Amrelia, (2018) 12 SCC 298*, the right of the workman, who had worked for 2.5 years, seeking reinstatement was also disposed of by granting a sum of ₹2.5 lakhs as compensation in lieu of reinstatement.

12. The said aspect of grant of compensation was also a subject matter of consideration before us in *LPA No. 136 of 2025* titled *State of Himachal Pradesh and others vs. Pal Singh*, decided on 08.05.2025, wherein we had come to the conclusion that a sum of ₹2.5 lakhs would be reasonable compensation, while allowing the appeal, on account of the fact that the workman in that case had worked from July 1988 and his services were disengaged in June, 1999 (Paragraph-2 of the judgment). The law, as such, which has followed from the year 2019 onwards, was duly relied upon in the said judgment to come to the conclusion that in such cases, it would not be appropriate to direct reinstatement.

13. Vide order dated 07.01.2026, we had already stayed the operation of the judgment of learned Single Judge, in question, and

directed the State to deposit a sum of ₹65,000 for each year of the service of the petitioner, with the Registrar General of this Court.

14. The above mentioned amount has duly been deposited by the State in the Registry of this Court. In such circumstances, we are of the considered opinion that considering the period of service as such which was way back in the year, 1999 and keeping in view the period intervening, i.e., almost 25 years, it would not be an appropriate stage to direct reinstatement.

15. Resultantly, we allow the appeal and modify the judgment dated 18.09.2025, passed by the learned Single Judge, in *CWP No.7455 of 2023* titled *Bhag Singh vs. Divisional Forest Officer* to the extent that the workman shall be granted the benefit of compensation to the tune of Rs.3.25 lakhs.

16. The respondent/workman shall furnish the details of his bank account to the Registrar General of this Court. Thereafter, the amount of compensation, which has already been deposited in the Registry of this Court, along-with interest, be disbursed in the bank account of the workman.

17. In view of above terms, the present appeal stands disposed of, so also, the pending miscellaneous application(s), if any.

**(G.S. Sandhawalia)
Chief Justice**

**(Bipin Chander Negi)
Judge**

July 22, 2026 (KS)