

THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

LPA No.495 of 2025 aw LPA No.764 of 2025
Date of Decision : 07.09.2026

LPA No.495 of 2025

State of Himachal Pradesh and others **Appellants**

VS.

Raman Kant **Respondent**

LPA No.764 of 2025

State of Himachal Pradesh and others **Appellants**

VS.

Bimla Devi ***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 Appellants : Ms. Priyanka Chauhan, Deputy Advocate General, in both the appeals.

For the Respondents : Mr. Gurdev Singh Negi, Advocate, for the respondent, in LPA No.495 of 2025.

Mr. Shubham Sood, Advocate, for the respondent, in LPA No.764 of 2025.

G.S. Sandhawalia, Chief Justice (Oral)

The present two Letters Patent Appeals, preferred by the State, are directed against the common judgment dated 26.03.2024,

passed by the learned Single Judge, in ***CWP No.2562 of 2024*** titled ***State of Himachal Pradesh and others vs. Raman Kant*** and ***CWP No.2563 of 2024*** titled ***State of Himachal Pradesh and others vs. Bimla Devi***, whereby the writ petitions filed by the State, laying challenge to the awards dated 31.03.2023 and 10.04.2023 respectively, passed by the Labour Court-cum-Industrial Tribunal, Kangra at Dharamshala, were dismissed.

2. In sum and substance, the learned Single Judge has upheld the impugned awards dated 31.03.2023 and 10.04.2023, passed by the Labour Court, Dharamshala.

3. In the first case of *Raman Kant*, the workman was engaged as a daily-wage Beldar on 13.11.1998 and his services came to an end on 31.08.2002. In the second case of *Bimla Devi*, the employee had worked w.e.f. 03.07.1998 till 31.08.2000. Their services had been terminated without following the principle of "first come, last go". At the initial stage, they had approached this Court by way of filing writ petitions in the year, 2013, which were dismissed. Thereafter, the matter was taken to the Apex Court, which came to be allowed with a direction to the appropriate government to refer the matter for adjudication.

4. Eventually, the awards came to be passed in their favour and the reference having been rendered in affirmative, directions had been issued to re-instate the employees with seniority and continuity in service, but without back wages, which led to the filing of the writ petitions before the learned Single Judge by the State. Accordingly, keeping in view the

decision of the Hon'ble Apex Court in ***Bhuvnesh Kumar Dwivedi vs. M/s Hindalco Industries Ltd., 2014 (11) SCC 85***, the learned Single Judge came to the conclusion that the limited jurisdiction was to be exercised by a writ Court, which is confined to examining whether the procedure followed was correct and proper, and that the writ Court can not sit as an appellate Court to re-appreciate the evidence or substitute its own findings for those recorded by the Labour Court.

5. The learned Single Judge found that the workmen have successfully proved that at the time of their engagement, persons junior to them were not only retained, but their services were subsequently regularized. To prove the fact that the workmen absented from the duties, no material has been placed on record as such, which led the learned Single Judge to decline the plea taken by the State and, thus, the award was upheld.

6. As noticed, the period of service was nominal in comparison and the basic issue to be decided is, whether the compensation would be the right remedy for a daily wager, who worked for a short period. We are of the considered opinion that the learned Single Judge erred, as such, in upholding the award granting the benefit of reinstatement, keeping in view the period of service, which has been noticed as nominal.

7. As per the grounds of appeal filed by the State, in the first case of Raman Kant, he worked for 42 days in 1998, 315 days in 1999, 231^½ days in 2000, 242 days in 2001 & 137 days in 2002. In the second case of Bimla Devi, she worked only for 115 days in 1998, 264 days in

1999 and 183 days in 2000. It is, thus, apparent that for preceding year before retrenchment, the workmen did not complete the requisite 240 days, but only on account of the fact that their juniors had been retained, they have succeeded for the benefit of reinstatement.

8. In such circumstances, we are of the considered opinion that the number of days which are to be calculated or the years which are to be calculated, in the case of Raman Kant, would be treated as four years since he had only worked for 42 days in the year, 1999 and in the last year, he had worked for 137 days and, thus, the two years period can be clubbed. Similarly, in the case of Bimla Devi, the period for which, she had worked, would be treated as three years.

9. The principle of granting lump-sum compensation has already been followed by this Court in **LPA No. 136 of 2025, titled State of Himachal Pradesh and others vs. Pal Singh**, wherein it has been held that the nature of employment as a daily wager and the period of service rendered as such are relevant factors for only granting compensation, not reinstatement.

10. In this regard, reliance has been placed upon the decisions of the Hon'ble Supreme Court in **Bharat Sanchar Nigam Limited vs Man Singh and other connected cases, (2012) 1 SCC 558; Assistant Engineer Rajasthan Development Corporation and Another versus Gitam Singh, (2013) 5 SCC 136; Bharat Sanchar Nigam Limited versus Bhurumal, (2014) 7 SCC 177; District Development Officer and Another vs. Satish Kantilal Amrelia, (2018) 12 SCC 298; and State**

of Uttrakhand and Another vs. Raj Kumar (2019) 14 SCC 353. The other recent judgments, in *Ranbir Singh vs. Executive Engineer PWD, (2021) 14 SCC 815*; and *Amit Kumar Dubey vs. MPPKVV Co. Ltd. & Anr. in Civil Appeal No. 001198/2025* [arising from SLP (C) No(s) 20902 of 2024], decided on 29.01.2025, had also been kept in mind in *Pal Singh's case* (supra), wherein, lump sum compensation of an amount of Rs.2.5 lac was given to the workman for the service rendered, which was for a period of two years and the working days were 82 days and 167 days.

11. In such circumstances, we are of the considered opinion that the awards dated 31.03.2023 and 10.04.2023, passed by the Labour Court-cum-Industrial Tribunal, Kangra at Dharamshala and the impugned common judgment dated 26.03.2024, passed by the learned Single Judge, in *CWP No.2562 of 2024* titled *State of Himachal Pradesh and others vs. Raman Kant* and *CWP No.2563 of 2024* titled *State of Himachal Pradesh and others vs. Bimla Devi*, are not sustainable and are modified accordingly, by granting the benefit of lump sum compensation to the workmen.

12. Resultantly, in the first case of Raman Kant, he would be entitled to lump sum compensation of Rs.5,00,000/- (Five Lakh only), whereas, in the case of Bimla Devi, she would be entitled to lump sum compensation of Rs.3,75,000/- (Three Lakhs Seventy Five Thousands only). Accordingly, the said amounts be paid by the State to compensate

the workmen for the retrenchment, in accordance with law, within a period of two months from the date of decision.

13. However, it is made clear that if the amount is not paid within the said period, the same shall carry interest at the rate of 7% from the date of default till its actual realization.

14. In view the aforesaid terms, present appeals stand disposed of, so also, the pending miscellaneous application(s), if any.

(G.S. Sandhawalia)
Chief Justice

September 07, 2026 (KS)

(Bipin Chander Negi)
Judge