

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No.13366 of 2026

Decided on: 6th August, 2026

The Managing Director, M/S Tidal Laboratories
Private Limited and another **.....Petitioners**

Versus

Vikram Singh **.....Respondent**

Coram

Ms. Justice Jyotsna Rewal Dua

Whether approved for reporting?¹

For the Petitioners: Mr. Onkar Jairath, Senior Advocate
with Mr. Piyush Mehta, Advocate.

For the Respondent: Nemo.

Jyotsna Rewal Dua, Judge

Petitioners feel aggrieved against the award dated 26.02.2026 passed by the learned Labour Court-cum-Industrial Tribunal, Kangra at Dharamshala, whereby the respondent's claim was partly allowed. The respondent was held entitled to reinstatement to the similar post from the date of his termination alongwith seniority, 50% of back wages and compensation of Rs.1 Lakh.

2. Heard learned Senior Counsel for the petitioners and considered the case file.

¹Whether reporters of print and electronic media may be allowed to see the order? Yes.

3. The case:-

3(i). Following reference was sent by the Appropriate Government for adjudication by the learned Labour Court:-

“Whether the termination of services of Shri Vikram Singh S/O Shri Anant Ram, R/O Village Chugath, P.O. Proyian, Tehsil Bangana, District Una, H.P. w.e.f. 18-07-2020 (as alleged by workman) by (i) the Managing Director, M/S Tidal Laboratories Private Limited, Patch-5, Phase-2, Industrial Area Goalthai, District Bilaspur, H.P. (ii) the Factory Manager, M/S Tidal Laboratories Private Limited, Patch-5, Phase-2, Industrial Area Goalthia, District Bilaspur, H.P. without complying with the provisions of the Industrial Disputes Act, 1947, is legal and justified? If not, what amount of back wages, seniority, past service benefits and compensation the above worker is entitled to from the above employers/management?”

3(ii). The claim set up by the respondent-workman was that:-

3(ii)(a). The respondent had been working with the petitioners as Electrician w.e.f. 02.07.2018 upto the date of his alleged illegal termination on 18.07.2020 vide letter dated 09.07.2020. The respondent-workman asserted that he was drawing wages @ Rs.14,500/- per month.

3(ii)(b). There were genuine demands of workmen working at petitioner-factory. For seeking redressal of the demands, the respondent alongwith other co-workers had formed a branch of the Himachal Pradesh Industrial Workers Union, which was registered and affiliated with

AITUC. Respondent was elected as Branch President and one Sh. Pradeep Kumar as Branch Senior Vice President. Upon formation of the Union, a notice under Section 2K of the Industrial Disputes Act, 1947 (in short 'the Act') was served upon the petitioners on 25.03.2019, raising several demands, viz. categorization of workmen, 25% increase in wages of workmen, implementation of provisions of the EPF Act, 1952 as also ESI Act, 1948, common canteen functioning, issue of I-Cards to the workmen, implementation of Model Standing Orders/Act, 1946, 20% HRA, 10% conveyance allowance, 10% uniform allowance and implementation of rules and regulations meant for the contract labour etc.. Conciliation proceedings were held on the aforesaid demand notice before the concerned Labour Officer-cum-Conciliation Officer. Amicable settlement could not be arrived at. Failure report was submitted to the Labour Commissioner. Accordingly, Reference No.66/2020 was sent for adjudication to the learned Labour Court-cum-Industrial Tribunal, which is yet pending consideration before the Court.

3(ii)(c). Respondent alleged his victimization after the submission of demands. According to the respondent, the petitioners-employer started using repressive measures

against the respondent as also the said Sh. Pradeep Kumar. Respondent also asserted that Labour Inspector and Labour Officer also carried out inspection of the factory and found out irregularities & violation in payment of minimum wages. Accordingly, case bearing registration No.15/2020 was registered before the Court of learned Judicial Magistrate, Bilaspur, which is pending adjudication. For violation of EPF Act by the petitioners, in view of complaint made by the respondent and Sh. Pradeep Kumar, the Regional Provident Fund Commissioner imposed fine of Rs.5000/- upon the petitioners for non-production of the record.

3(ii)(d). The respondent also alleged that the petitioners had terminated services of contract workers and also curtailed the allowances being paid to the factory workmen. In this regard, the Union had submitted a demand notice on 06.11.2019 to the petitioners under Section 2K of the Act. Copy of the same was sent to the appropriate authorities. Conciliation proceedings thereupon were started by the concerned Labour Officer-cum-Conciliation Officer.

3(ii)(e). On account of COVID-19 pandemic, lockdown was declared on 22.03.2020 and curfew was also imposed.

Due to this reason, respondent could not join his duties w.e.f. 24.03.2020 to 07.05.2020. Petitioners did not pay him any wages for the aforesaid period. On 17.05.2020, the petitioners asked the respondent to join duty. He joined his duties on 18.05.2020 and found that there were workers in the factory premises, but proper cleaning and sanitization facilities were not there. The respondent represented to the management of the petitioners-factory for following the COVID-19 protocols and also prayed for releasing wages to the workmen for the lockdown period. This was not taken well by the petitioners.

3(ii)(f). Petitioners issued a show cause notice to the respondent on 01.06.2020. Respondent responded to this notice on 10.06.2020. On 13.06.2020, respondent sent a letter to the petitioners, seeking the reason for not allowing him to perform his duties. The respondent was served with another show cause notice on 18.06.2020, which was replied by him on 25.06.2020. Petitioners asked the respondent to submit a formal resignation, not later than 15.07.2020. Respondent did not submit reply. Petitioners terminated his services w.e.f. 18.07.2020. Respondent remained unemployed since the date of his illegal termination.

3(iii). Petitioners in response admitted that the respondent had joined as their workman on 02.07.2018 and terminating his services w.e.f. 18.07.2020. Petitioners defended terminating respondent's services on the ground that the same was done after complying due process of law and providing due opportunity of hearing. That the respondent had remained absent unauthorizedly and also instigated other workmen for remaining absent from duty. The petitioners denied there being any genuine demands of the workmen. Salary drawn by the respondent was stated to be Rs.11,750/- per month alongwith other incentives. According to the petitioners, due to COVID-19 pandemic, working of the company was temporarily affected. On 17.05.2020, petitioner-employer directed the respondent to resume his official duties. Respondent joined on 18.05.2020, but not attended his duties thereafter. According to the petitioners, the respondent remained continuously absent w.e.f. 18.05.2020 without any reasonable explanation or authorization from the petitioners. Accordingly, on 18.06.2020, a show cause notice was issued by the petitioners to the respondent for his unauthorized absence. The respondent had instigated

other workers and filed complaint against the petitioners on 18.05.2020. Thereafter, he was terminated from service.

3(iv). The parties led evidence in support of their respective contentions. On considering the same, learned Labour Court-cum-Industrial Tribunal, *inter alia*, returned the factual findings that:-

(a). Respondent had worked with the petitioners w.e.f. 02.07.2018 upto 18.07.2020.

(b). Respondent was Branch President of Himachal Pradesh Industrial Workers Union that was formed for redressal of certain demands of the workmen. Demand notice had been served by the Union. Conciliation proceedings were also held thereupon, which led to registration of Case Nos.14 and 15 of 2020 before the Court of learned Judicial Magistrate, Bilaspur as also reference petitions pending adjudication before the concerned Labour Court. The petitioners had directed the respondent to resume duties from 18.05.2020, i.e. during the COVID-19 period. Petitioners' allegation against the respondent was that he remained unauthorizedly absent from duty w.e.f. 19.05.2020. For this reason, on 18.06.2020, a show cause notice was issued to the respondent for his alleged unauthorized absence.

(c). Petitioners had taken the defence of having terminated services of respondent on disciplinary grounds and had also admitted the applicability of Model Standing Orders and Rules. It was, however, established on record that no inquiry was conducted into allegations leveled against the respondent. Principles of natural justice had not been followed. Conclusion of guilt against the respondent reached by the petitioner was not admissible. The termination of services of the respondent was held illegal.

(d). Respondent had not been paid any retrenchment compensation or pay in lieu of notice of his dis-engagement as per the provisions of the Act. Relevant observations of the learned Labour Court are as under:-

“17. In the circumstances of the present case the petitioner has alleged illegal termination. Respondents have asserted that the termination was subsequent to disciplinary proceedings and admittedly the applicability of Model Standing Orders and Rules. In absence of any documents pertaining to the inquiry proceedings it is evident that the services of the petitioner were terminated without affording him due opportunity of defending himself. No inquiry was conducted in view of the allegations made against the petitioner. The respondents company while dispensing with the services of the petitioner has not followed the principles of natural justice. It is also established that there was no compliance of Section 25-F of the Industrial Disputes Act, 1947. It is hence proved from the overall documentary and oral evidence that the services of the petitioner were illegally terminated in violation of the provisions of the Industrial Disputes Act,

1947 and the principle of natural justices. Accordingly issue no.1 is decided partly in the favour of the petitioner.

Issue No.2

18. *It has been proved from the overwhelming evidence that the services of the petitioner were illegally terminated by the respondents without any compliance of the provisions of the Industrial Disputes Act, 1947. The petitioner in this case has claimed the back wages, seniority as well as compensation with regard to illegal termination. The overall circumstances of the case clearly show that the respondents have not followed the principles of natural justice as well as provision of the Industrial Disputes Act, 1947. In these circumstances the petitioner is held entitled to reinstatement to the similar post from the date of his termination along-with seniority, 50% of back wages and a compensation of Rs.1 lakh. Hence issue no.2 is decided accordingly."*

Feeling aggrieved against the award dated 26.02.2026, petitioners have preferred this writ petition.

4. Scope for interference with the awards passed by learned Labour Court was summed up in **K.V.S. Ram Vs. Bangalore Metropolitan Transport Corporation²** as under:-

- "14. Once the Labour Court has exercised the discretion judicially, the High Court can interfere with the award, only if it is satisfied that the award of the Labour Court is vitiated by any fundamental flaws. We do not find that the award passed by the Labour Court suffers from any such flaws. While interfering with the award of the Labour Court, the High Court did not keep in view the parameters laid down by this Court for exercise of jurisdiction by the High Court under Articles 226 and/or 227 of the Constitution of India and the impugned judgment cannot be sustained."*

² (2015) 12 SCC 39

In ***Bhuvnesh Kumar Dwivedi Vs. Hindalco Industries Ltd.***³ Hon'ble Supreme Court held that the High Court can interfere with an order of the Tribunal only on the procedural level and in cases, where the decision of the lower courts has been arrived at in gross violation of the legal principles. The High Court shall interfere with factual aspect placed before the Labour Courts only when it is convinced that the Labour Court has made patent mistakes in admitting evidence illegally or have made grave errors in law in coming to the conclusion on facts. The High Court granting contrary relief under Articles 226 and 227 of the Constitution amounts to exceeding its jurisdiction conferred upon it.

In ***Basamma & Anr. versus Goparappa and Ors.***⁴, Apex Court reiterated and recapitulated the settled principles of law governing exercise of extraordinary and certiorari jurisdiction under Article 226 of the Constitution that while exercising such jurisdiction, the High Court does not act as Court of appeal over findings, more so, of facts recorded by the subordinate Courts or Tribunals. The High Court does not review or reweigh the evidence upon which

³ (2014)11 SCC 85

⁴ Special Leave Petition (Civil) No.10183 of 2024, decided on 16.07.2026

the determination of the subordinate Courts is purported to be based. Such a writ jurisdiction may be invoked in cases where there is an error of law, jurisdictional error or patent illegality.

The foundational facts of the present case are not in dispute. In the given facts and circumstances, the conclusion drawn by the learned Labour Court that services of the respondent were illegally terminated by the petitioners without complying with the provisions of the Industrial Disputes Act, 1947, is justified. Learned Labour Court has justly concluded that the services of the respondent were terminated without conducting any inquiry into the allegations made by the petitioners and without affording him due opportunity of defending himself. The principles of natural justice were also not followed by the petitioners while dispensing with the services of the respondent. Violation of the provisions of Industrial Disputes Act was also held established. The facts and circumstances of the case justified imposing compensation of Rs.1 Lakh upon the petitioners for having vindictively terminated the services of the respondent-workman during COVID-19 period on cultivated grounds.

5. For the foregoing reasons, I do not find any good reason to interfere with the impugned award. This writ petition, therefore, lacks merit and is accordingly dismissed. Pending miscellaneous application(s), if any, also stand disposed of.

August 06, 2026
Mukesh

Jyotsna Rewal Dua
Judge