

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**

CWP No.16354 of 2011 (O&M)  
Date of Decision:- 29.09.2016.

The Director, Health and Family Welfare, Punjab and others

.....Petitioners

Versus

Madhu Bala and another

.....Respondents

**CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI**

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Present: Mr. Neeraj Yadav, AAG, Punjab.

Mr. Vivek Singla, Advocate for respondent No.1.

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**P.B. BAJANTHRI, J. (Oral)**

The petitioners have filed CM No.10569 of 2014 praying for recovery of the excess amount of ₹ 2,80,643/- which has been paid to the respondent-workman while settling her wages under Section 17-B of the Industrial Disputes Act, 1947 (for short 'Act'). First respondent is a workman. A sum of ₹ 3,61,863/- which was paid to her in the year 2014, under Section 17-B of the Industrial Disputes Act, 1947 which is stated to be in excess to the tune of ₹ 2,80,643/- at this juncture recovery from her may not be fair and appropriate. Therefore, the main matter is heard.

Grievance of the respondent-workman before the Labour Court is that her services have been terminated illegally. She was appointed on *ad hoc* basis as a Ward Attendant – Class-IV w.e.f. 1.3.1994 initially for a period of 89 days. Subsequently, she was continued from time to time and

her services were terminated on 31.7.1997. The respondent-workman is out of job since 1997. The petitioners have resorted to regular recruitment in which the respondent-workman participated in the process of selection but she could not select. In this background and the fact that the respondent-workman has rendered service for a period of 3 years and 4 months, question of reinstatement do not arise. Further her appointment was not in accordance with the Rules of recruitment governing the post of Ward Attendant – Class-IV. Therefore, it is sufficient if compensation is awarded. The respondent was paid ₹ 3,61,863/- towards wages under Section 17-B of the Act an amount of ₹ 2,80,643/- has been paid to her in excess. Therefore, the excess amount of ₹ 2,80,643/- which has been paid by the petitioners to the respondent-workman be treated as compensation.

Accordingly, petition stands disposed of.

**(P.B. BAJANTHRI)**  
**JUDGE**

**September 29, 2016.**  
*sandeep sethi*

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.