

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

CWP No.1801 of 2013 (O&M)
Date of Decision 26.10.2018

Dharam Singh & others

... Petitioners

Versus

M/s Roulunds Codan India Ltd.

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr.R.S.Bains, Advocate for the petitioners

Mr.Harkesh Manuja, Advocate for respondent no.1

Mr.Harish Nain, AAG, Haryana

RAJIV NARAIN RAINA, J. (Oral)

1. I have heard learned counsel for the parties and have also perused the paper-book and the impugned awards made by the Labour Court, Panipat.

2. Mr. Manuja raises an objection that in this petition three awards passed by the same Labour Court have been challenged, and therefore, separate petitions should have been filed. The present petition can proceed qua only one of the workmen while the cases of the other two petitioning workmen may be separated, for them to file separate writ petitions in challenge to their awards because a joint writ petition is not maintainable and has been improperly presented.

3. Though Mr.Manuja may not be wrong in his submission, but keeping in view the fact that this matter has been pending since 2013 and the issues on law and facts are similar and common to each other against the same management, I find the objection far too technical in nature to accept to split the petitions as it would only unnecessarily delay the proceedings,

especially when I find the three awards are seriously flawed and suffer from patent error, to cure which, remand is proposed. The objection raised by Mr.Manuja is, therefore, over-ruled. However, the petitioners will make good the deficient court fee payable by two of the petitioners as though there were three petitions. Deposit be effected by the office before release of this order.

4. The learned Labour Court has returned a finding of fact that Section 25-F of the Industrial Disputes Act, 1947 was violated at the time of retrenchment, but no real relief has been granted to the workmen, except for payment of notice pay, retrenchment compensation and amount of gratuity till the date of termination on August 1, 2003 and that too without quantifying the sum of money to be paid, which if not paid, would lead to further litigation for recovery of money due under the awards.

5. The learned Labour Court has not assigned any reasons in the awards to restrict money payable to the statutory minimum compliance of the provisions of Section 25-F of the Act at the time of retrenchment, even without addressing the question of adequate and reasonable compensation in lieu of reinstatement, if it is to be denied, which amount, if awarded, would indeed be far greater, keeping in view the number of years of service put in by them and other relevant factors for determination of relief by moulding it in a fair and proper manner with reasons recorded in writing to reach the conclusions. To my dismay, the Labour Court has also recorded as a fact that charge-sheets were issued to the workmen, but no enquiry was conducted and their names were struck off the rolls but left the matter at that. This amounted to retrenchment and termination of service, without following the mandatory procedure in the Act.

6. Accordingly, the writ petition is partly allowed and the impugned awards are set aside. The matter is remanded to the Presiding

Officer, Industrial Tribunal-cum-Labour Court, Panipat for passing fresh awards on the materials on record and in accordance with law as expeditiously as practicable, the cases being rather old.

7. Deficient court fee be deposited as per para 3 above.
8. Parties to appear before the Labour Court on 12.11.2018.

26.10.2018
MFK

(RAJIV NARAIN RAINA)
JUDGE

Whether speaking/reasoned

Yes

Whether Reportable

No