

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

LPA No.1673 of 2016 (O&M) in  
Civil Writ Petition No.20011 of 2009  
Date of Decision: August 01, 2018

M/s Sky Lab Industries, 50C/1, Industrial Area, Faridabad

...Appellant

Versus

The Presiding Officer, Labour Court-II, Faridabad & another

...Respondents

**CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL**  
**HON'BLE MR. JUSTICE AMIT RAWAL**

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Present: Mr. I. S. Saggu, Advocate,  
for the appellant.

Ms. Sukhmani T. Patwalia, Advocate for  
Mr. Bikramjit Singh Patwalia, Advocate,  
for respondent No.2.

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**AMIT RAWAL, J.**

Appellant preferred the present intra-court appeal against the order of the learned Single Bench dated 27.07.2016, whereby the civil writ petition filed by the appellant against the award of the Labour Court dated 27.01.2009 ordering reinstatement with 50% back wages, has been modified by awarding compensation of ₹ 5,00,000/- to the legal heirs of the workman.

Mr. I.S. Saggu, learned counsel appearing on behalf of the appellant submitted that the order of the learned Single Bench awarding compensation vis-a-vis back wages is too onerous, for, the back wages are much less than the compensation awarded.

Learned counsel for the appellant further argued that Satnam

Singh- workman (since deceased) was appointed as a Helper on 01.06.1985

and submitted his resignation on 16.02.2004 (Annexure P-1), which was accepted on the same date. All his dues were paid to him vide cheque No.450202 dated 24.09.2004 and various other cheque as referred to in the grounds of appeal. The factum of receipt of the entire amount is reflected from the register (Annexure P-2). Despite that, the workman served a demand notice dated 02.02.2005 alleging illegal termination of his services and prayed for reinstatement. The factum of submission of resignation and settlement of dues was admitted by the workman, but the Labour Court ordered reinstatement with 50% back wages. It is in this context, the aforementioned award was assailed.

It was further argued that learned Single Bench has not considered the aforementioned fact and, therefore, there is illegality. The wording of letter Annexure P-1 leaves no manner of doubt that the workman had submitted resignation, but learned Single Bench by giving a different colour did not treat the same as resignation letter.

On the other hand, Ms. Sukhmani T. Patwalia, learned counsel appearing on behalf of respondent No.2 submitted that it is not disputed that the workman, during the pendency of the proceedings, died and his legal heirs have been brought on record. They have already faced the wrath of the management with regard to illegal termination treating it to be resignation. Such an act has been deprecated by the learned Single Bench, who instead of reinstatement, ordered for compensation. Owing to the interim order dated 05.09.2016, the compensation has not been paid. There is no illegality or perversity in the order of the learned Single Bench in awarding compensation, for, the contents of Annexure P-1 leave no manner of doubt that the workman had not submitted resignation letter nor any explanation

has come forth in this regard. It was also brought to the notice of this Court that even the wife of workman predeceased him and workman's estate is being represented by legal heirs, i.e., two children.

We have heard the learned counsel for the parties, appraised the paper book and are of the view that the finding recorded by the learned Single Bench by modifying the order of the Labour Court by ordering compensation to the tune of ₹ 5,00,000/- is just and equitable. Appellant-Management has not been able to prove on record that the workman had submitted resignation on account of his own volition and free will. The Management did not contest the claim before the Labour Court and was proceeded ex-parte.

Keeping in view the totality of the facts and circumstances of the present case, particularly when the workman had died, the compensation cannot be said to be onerous. We, therefore, affirm the findings of the learned Single Bench. The legal heirs, i.e., respondent No.2 (i) & (ii) are directed to furnish the bank account to the Management through registered post within one month from the date of receipt of certified copy of the order and on receipt of the details of the bank account, the Management is directed to transfer the amount of ₹ 5,00,000/- in those accounts within a period of two months thereafter, in equal shares.

The Letters Patent Appeal is dismissed.

**( RAJESH BINDAL )**  
**JUDGE**

**( AMIT RAWAL )**  
**JUDGE**

**August 01, 2018**  
**ramesh**

**Whether speaking/reasoned**  
**Whether Reportable:**

**Yes/No**  
**Yes/No**