

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

LPA No.271 of 2016 (O&M) in
Civil Writ Petition No.19297 of 2009
Date of Decision: August 01, 2018

The Principal, Chief Conservator of Forest Van Bhawan, Sector-6,
Panchkula & others

...Appellants

Versus

Lajja Ram (since deceased) through L.Rs and another

...Respondents

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

Present: Ms. Palika Monga, Deputy Advocate General, Haryana.

Mr. Rohit Sapehiya, Advocate for
Mr. Rahul Jain, Advocate,
for respondent No.1.

AMIT RAWAL, J.

Present intra-court appeal has been filed against the order of the learned Single Bench dated 11.09.2015, whereby the writ petition of the workman was allowed. Appeal is accompanied by an application seeking condonation of delay of 116 days in filing appeal.

Workman- Lajja Ram (since deceased) sought a reference with regard to the dispute of termination in defiance of the provisions of the Industrial Disputes Act, 1947 (for short, the Act), which was answered in favour of Management. Writ petition, as noticed above, has been allowed and the workman has been ordered to be reinstated with full back wages, to be paid within a period of three months from the date of receipt of certified

copy of the order.

Ms. Palika Monga, learned Deputy Advocate General, Haryana representing the appellants submitted that no doubt the Labour Court had formed an opinion that the workman had completed more than 240 days in the preceding 12 months, but there was no violation of the provisions of Section 25-F of the Act while terminating his services as the said section does not refer to the reinstatement in service. Awarding of compensation should have been a factor in lieu of the reinstatement and full back wages. In fact, there was no post of Mazdoor in the department, therefore, reinstatement should not have been ordered.

It was next contended that it is not the case of the workman that the department had employed some other Mazdoor for the work being performed by him. Our attention was drawn to the order dated 11.04.2016, whereby the appellants informed the Court that the workman had been reinstated in service and the only controversy which remains pending in the present case is regarding back wages.

Mr. Rohit Sapehiya, learned counsel appearing on behalf of respondent No.1 submitted that there is no illegality or perversity in the impugned order. During the pendency of the proceedings, workman had died on 07.09.2017. Misc.Application No.1892-LPA of 2018 was filed, which was allowed and Smt. Surindra Devi (widow), Ram Pal (son) and Lata Devi (daughter), being legal representatives, have been impleaded as respondents.

We have heard the learned counsel for the parties and appraised the paper book.

It is unfortunate that the workman, who had served the

management for sixteen years, had died and his services were terminated without complying with the provisions of Section 25-F of the Act. Learned Single Bench noticed all these facts and found that there was non compliance of the aforementioned provisions. Even if we accept the argument of Management that there was no post of Mazdoor, nothing prevented them from complying with the aforementioned provisions as the workman, after reinstatement, had died, in essence, earning member of the family died.

In such peculiar facts and circumstances of the case, we do not differ with the findings of the learned Single Bench awarding compensation of full back wages. The order of the learned Single Bench directing the payment of back wages is affirmed. The legal heirs of workman- Lajja Ram are directed to furnish bank account to the Management through registered post within one month from the date of certified copy of the order and on receipt of the details of the bank account, the Management is directed to deposit the compensation directly in the bank account within a period of two months thereafter.

Resultantly, Letters Patent Appeal is dismissed. Consequently, the application for condonation of delay in filing the appeal is also dismissed.

(RAJESH BINDAL)
JUDGE

(AMIT RAWAL)
JUDGE

August 01, 2018
ramesh

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No