

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****Date of decision: 10.07.2019****CWP No.8069 of 1999**

Darshan Singh Chawla & others

...Petitioners

Vs.

The State of Punjab & another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. R.K.Mathur, Advocate, for the petitioners.

Ms. Simran Grewal, AAG, Punjab.

Mr. Y.P.Singla, Advocate, for respondent No.2.

RAJIV NARAIN RAINA, J. (ORAL)

1. I have no doubt that by all means this petition has been rendered infructuous in the sense that no relief can be granted to the petitioners, when respondent No.2 – Corporation stands closed in terms of order dated 29.10.2003 with the permission granted by the Labour Commissioner under Section 25(O) of the Industrial Disputes Act, 1947 (for short 'the Act'). The petitioners were served notices of retrenchment of 30.04.1999. On the same day they were paid retrenchment compensation, which includes one months' salary, in terms of Section 25 F of the Act each in different amounts by drafts dated 29.04.1999 for the amounts mentioned in the notices Annex P-9 to P-11.

2. In the petition, the grievance made in para 7 is that some of the Tractor-cum-Tubewell Operator/s and Bulldozer Operator/s, namely, Malkiat Singh and Ram Tirath were junior to the petitioners and have been

re-deployed and absorbed in Class III service in other boards and departments. Admittedly, the petitioners were offered Class IV posts of Peon and Chowkidar but they refused to accept the offers and protest that they should be absorbed in other Corporations or Departments of the Government on Class III posts like the rest.

3. The record produced by respondent No.2 – Corporation reveals that Malkiat Singh and Ram Tirath were senior among the 22 employees, who were declared surplus and 17 of whom were deployed in Class III posts elsewhere. The 3rd petitioner, namely, Raj Singh was a Senior Mechanic in the Corporation and the petitioners cannot compare themselves with the job of a Senior Mechanic.

4. The policy of the Punjab Government regarding adjustments on priority basis of the employees declared surplus in the Land Development and Reclamation Corporation in different Departments/Nigams/Boards etc. dated 08.09.1994 is attached as Annex P-1. The State Government had decided to adjust 22 employees shown in the list having been declared surplus by the Corporation. This means the process for closure of the Corporation has started even before 1994. As per the policy circulated to all the Heads of the Departments/Boards/Corporations etc., those employers were requested to appoint the surplus staff against posts lying vacant in their Department/Board/Corporation as per instructions issued regarding priority under category 3. The petitioners and the other employees were to be adjusted in the same scale or in one scale below as per qualifications of the employees and terms of appointment. No material has been placed by the petitioners on record to show the academic qualifications of the 17 surplus employees, who found employment in other Departments/Boards/

Corporations etc. As far as petitioners are concerned, they qualified only middle standard examination. They are presently aged about 62 years, 63 years and 73 years and have crossed the employable age. The petitioners have been out of service of the respondent corporation since 1999. They have not disclosed what they have done during this period.

5. Thus, I do not find any good reason warranting interference in this matter and would dismiss the petition.

6. It is, however, made clear that in case the retrenchment compensation offered to the petitioners has not been encashed by them, they may lodge their claims before the Punjab Seed Corporation, which holds the additional charge of what remains of respondent No.2 – Corporation. The petitioners may be required to submit indemnity bond/s etc. before payments are made. The request for interest is declined for the reason that if the drafts were offered at the time of retrenchment and refused, no fault can be found with the Corporation to call upon it to pay interest on retrenchment compensation. Moreover, there is no request for grant of interest in the petition.

10.07.2019
Vimal

[RAJIV NARAIN RAINA]
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes
Yes/No