

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

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LPA No.383 of 2020 (O&M)

Date of decision: 14.07.2020

The Panipat Cooperative Sugar Mills Ltd.

..Appellant

Vs.

Birmi Devi (deceased) through LRs and Others ...Respondents

**CORAM: HON'BLE MR. JUSTICE S.N. SATYANARAYANA
HON'BLE MRS. JUSTICE ARCHANA PURI**

Present: Mr. Vinod S. Bhardwaj, Advocate
for the appellant.

Mr. Ramesh Goyal,

S.N. SATYANARAYANA, J.(ORAL)

CM No.995/LPA of 2020

Application is allowed, as prayed for.

CM No. 981/LPA of 2020

Application is allowed, as prayed for.

LPA No.383 of 2020

The petitioner in CWP No.2772 of 2016 has come up in this LPA No.383 of 2020 impugning the order dated 08.10.2018 as well as order dated 13.12.2019 based on a review petition filed in CWP No. 2772 of 2016.

Admittedly, the petitioners herein are the legal heirs of deceased Bir Singh who was working in petitioner-Mill as daily wager from 02.12.1970. The records would indicate that his services were terminated on 06.12.1979 which was subject matter of challenge before Labour Court, Ambala in Ref No.257/1984 where he secured an award in his favour on 14.01.1987 for his

reinstatement. It is seen that the award passed by the Labour Court was subject matter of challenge before ld. Single Judge of this Court in CWP No.4905 of 1987 which was dismissed on 23.08.2006.

In the meanwhile, it is seen that the petitioner's father Bir Singh was already reinstated vide office order dated 28.02.2006 and order passed by ld. Single Judge in CWP No.4905 of 1987 was subject matter of in appeal filed by the Sugar Mill in LPA No.230 of 2006 which was also dismissed on 04.10.2008 and the said order of dismissal was also subject matter of the challenge before the Apex Court in SLP No.18454 of 2009 which was dismissed on 08.07.2014.

It is seen that in the meanwhile, the employee Bir Singh died on 03.01.2020. Hence his widow Smt. Birmi Devi filed an application on 18.01.2011 seeking compassionate appointment for her son, which came to be rejected. Rejection of application filed by Smt. Birmi Devi was subject matter of proceedings before ld. Single Judge in CWP No.2772 of 2016 which is considered and allowed by order dated 08.10.2018 where certain observations made by ld. Single Judge with reference to regularisation of services of petitioner's father Bir Singh as on 28.02.2006 and he having completed service of merely 4 years as on 03.01.2010 when he had died, were sought to be reviewed by the appellant herein in filing a review application which came to be dismissed by order of ld. Single Judge dated 13.12.2019.

These two orders are subject matter of challenge by the appellant herein relying upon various documents which claim to demonstrate that the petitioner's father was not at all regular

employee of the Mill continuously for 3 years as on date of his death in the year 2010. In any event, these documents when presented before ld. Single Judge in the review stage he has looked into the same and has considered in its orders dated 08.10.2018 and 13.12.2019.

In the aforesaid facts of the case, we are of considered opinion that there is a deliberate attempt on the part of appellant herein in not giving affect to order of ld. Single Judge which appears to be just and proper both on facts as well as in law which does not call for interference in this intra Court appeal.

Accordingly this appeal is dismissed. Though this Court intend to impose costs of Rs. 10 lacs for unnecessarily harassing a family of poor labourer in not permitting the father of the petitioner peacefully to continue his service from 1979 for several years and subsequently when he secured the order of regularisation, he dies in harness after having fought the litigation upto Supreme Court which was pursued by the appellant Company. The Company not being satisfied with the same is still pursuing this appeal in not implementing the order of learned Single Judge, which has directed the appellant to provide appointment on compassionate ground to his son. Therefore, this Court would feel it is appropriate to impose costs in a sum of Rs. 2 lacs in this proceeding. The same shall be paid to respondents No. 1 and 3 to 8 besides providing appointment to respondent No.2 Krishan Chander, S/o Bir Singh while considering his application for compassionate appointment. With such observation, this appeal is dismissed and it is made

clear that if the order of ld. Single Judge is not implemented within

90 days from today the petitioner is at liberty to initiate contempt proceedings against the concerned officers of the appellant Company.

In view of disposal of the LPA No. 383 of 2020, the Civil Misc. applications 982 of 2020 does not survive for consideration.

(S.N.SATYANARAYANA)
JUDGE

(ARCHANA PURI)
JUDGE

July 14, 2020
Poonam Sharma

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No