

**211 IN THE HIGH COURT OF PUNJAB AND HARYANA
(10 cases) AT CHANDIGARH**

1. CWP No.8449 of 2012 (O&M)
Date of Decision: 21.11.2022

Surinder Khatri

.....Petitioner

Versus

Presiding Officer, Industrial Tribunal-cum-Labour Court, Panipat and
another

.....Respondents

2. CWP No.4665 of 2013 (O&M)

Anil Bajpai

.....Petitioner

Versus

Presiding Officer, Industrial Tribunal-cum-Labour Court, Panipat and
another

.....Respondents

3. CWP No.1936 of 2013 (O&M)

Jai Bhagwan Rana

.....Petitioner

Versus

Presiding Officer, Industrial Tribunal-cum-Labour Court, Panipat and
another

.....Respondents

4. CWP No.1976 of 2013 (O&M)

Suraj Thappa

.....Petitioner

Versus

Presiding Officer, Industrial Tribunal-cum-Labour Court, Panipat and
another

.....Respondents

5. CWP No.1978 of 2013 (O&M)

Mahatam Yadav

.....Petitioner

Versus

Presiding Officer, Industrial Tribunal-cum-Labour Court, Panipat and
another

.....Respondents

6. CWP No.4571 of 2013 (O&M)

Rajbir Singh

.....Petitioner

Versus

Presiding Officer, Industrial Tribunal-cum-Labour Court, Panipat and another

.....Respondents

7. CWP No.1933 of 2013 (O&M)

Rajbir Singh

.....Petitioner

Versus

Presiding Officer, Industrial Tribunal-cum-Labour Court, Panipat and another

.....Respondents

8. CWP No.1929 of 2013 (O&M)

Daya Nand

.....Petitioner

Versus

Presiding Officer, Industrial Tribunal-cum-Labour Court, Panipat and another

.....Respondents

9. CWP No.1897 of 2013 (O&M)

Mukhtiar Singh

.....Petitioner

Versus

Presiding Officer, Industrial Tribunal-cum-Labour Court, Panipat and another

.....Respondents

10. CWP No.1883 of 2013 (O&M)

Jai Pal Singh

.....Petitioner

Versus

Presiding Officer, Industrial Tribunal-cum-Labour Court, Panipat and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. R.K. Malik, Senior Advocate with
Mr. Samrat Malik, Advocate,
for the petitioner in all cases.

Mr. Ashwani Talwar, Advocate and
Mr. Sahej Mahajan, Advocate with
Mr. Prashant Kumar, Senior Manager & Company Secretary,
for respondent No.2-Management in all cases.

RAJBIR SEHRAWAT, J. (ORAL)

Since the writ petitions had been clubbed because of involving similar questions of facts and the similar propositions of law, therefore, by this common order, all the aforementioned writ petitions shall be disposed of. For reference, the facts are being taken from CWP No.8449 of 2012.

The present petition has been filed under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of Certiorari for quashing the order dated 08.03.2011 (Annexure P-9) and award dated 26.04.2011 (Annexure P-10), vide which the reference has been decided against the workman; with a further prayer that the petitioner-workman be reinstated with all consequential benefits.

During the course of arguments, it has been pointed out by the counsel for the respondent-Management that the original legal entity who had issued the charge-sheet to the petitioner(s) is no more in-existence. That company was subsequently taken over by another company, namely, Osram India Pvt. Ltd., which had passed the orders against the petitioner(s), which led to a reference to the Labour Court. Even, Osram India Pvt. Ltd. is no more in picture in this field and the factory is closed. As of today, there is another entity which has succeeded the Osram India Pvt. Ltd., namely

Ledvance Pvt. Ltd. Therefore, it is asserted by the counsel for the respondent that the respondent-current Management is not liable for any action of the predecessors-in-interest. Otherwise also, the award impugned in the present petition(s) is against the petitioner-workman(s). Still further, it is submitted that in view of the provisions of the Industrial Disputes Act, 1947, the current successor of the original company, being a successor who had taken over the earlier business is, at the maximum, liable to pay the statutory compensation but has the absolute right to terminate the service of any employee at the time of take over of the company. Therefore, although the award passed by the Labour Court is perfectly legal, valid and sustainable, still the current successor-in-interest of the employer, namely, Ledvance Pvt. Ltd. is ready to pay the amount equivalent to retrenchment compensation to which the petitioner(s) would have been entitled as per the service completed by him till the date termination order was passed; along with some reasonable interest.

This proposal of the respondent-employer is accepted by the petitioner(s).

Accordingly, the present petition is disposed of by directing the current successor-in-interest of the employer, namely, Ledvance Pvt. Ltd. to pay the petitioner(s) compensation at the rate of 15 days salary for each completed year of service till the date the termination order was passed.

The current successor-in-interest of the respondent-company shall also pay the simple interest on the said amount @ 6% per annum. Let the entire amount be paid to the petitioner(s) by way of demand draft, within a period of three months from today. The demand draft of the said amount,

prepared in the name of the petitioner(s), shall be handed over to the counsel for the petitioner(s), for onwards transmission to the petitioner(s).

The pending miscellaneous application, if any, in all the aforementioned petition, is also disposed of as such.

(RAJBIR SEHRAWAT)
JUDGE

21.11.2022
sandeep

Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No