

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

LPA No.1676 of 2017 (O&M)
LPA No.1678 of 2017 (O&M)
LPA No.1679 of 2017 (O&M)
LPA No.1682 of 2017 (O&M)
LPA No.1683 of 2017 (O&M)
LPA No.1685 of 2017 (O&M)
LPA No.1686 of 2017 (O&M)
LPA No.1687 of 2017 (O&M)
LPA No.1714 of 2017 (O&M)
LPA No.1717 of 2017 (O&M)
LPA No.2030 of 2017 (O&M)
LPA No.1680 of 2017 (O&M)
LPA No.1684 of 2017 (O&M)
LPA No.1692 of 2017 (O&M)
LPA No.1713 of 2017 (O&M)
LPA No.1841 of 2017 (O&M)

Date of Decision: September 7th, 2022

Glaxosmithkline Consumer Healthcare Ltd. Patiala

...Appellant

Versus

The State of Punjab and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR. JUSTICE ALOK JAIN**

Present: Mr. Pawan Kumar Mutneja, Senior Advocate
with Mr. Viranjeet Singh Mahal, Ms. Suverna Mutneja
and Mr. Brijesh Kumar, Advocates
for the appellant (in all cases).

Mr. Paramjit Batta, Additional Advocate General, Punjab.

Mr. R.K. Chopra, Senior Advocate
with Mr. Inayat Khullar, Advocate
for respondent No.5.

Mr. Puneet Sharma, Advocate
for private respondent (in LPA-1676-2017).

AUGUSTINE GEORGE MASIH, J. (ORAL)

Challenge in these appeals is to the judgment dated 13.07.2017
passed by the learned Single Judge, whereby writ petitions against which the

present appeals have been preferred, were disposed of by a common judgment.

2. It is the contention of learned senior counsel for the appellant that all the private respondents in these appeals had not completed 240 days. An agitation took place wherein settlement proceedings have been initiated. One of the settlements, which was entered into between the parties, was that there would be full and final payments as per the said settlement to be made to the private respondents. In pursuance thereto, the respondents having accepted the said settlement, were paid a total amount of ₹7½ crore comprehensively. Even the provident fund was withdrawn by them after receipt of the payment. Demand notice was preferred after a period of about 4 years and 6 months, which was initially rejected by the competent authority but subsequently, certain references were also made. In some of the cases where no references have been made or denied, the private respondents had approached this Court, wherein directions were issued and in pursuance thereto, the matter was reconsidered by the competent authority leading to the references having been made, which orders of reference had been challenged by the appellant before the learned Single Judge, wherein the writ petitions were dismissed.

3. Learned counsel for the appellant submits that the issue involved in the present case is covered by the ratio of the judgment of the Hon'ble Supreme Court in ***Civil Appeal No.5812 of 2009*** titled as ***M/s Glaxo Smithkline Consumer Health Care Limited Versus Jagjit Singh and others***, decided on 26.02.2020, wherein the Hon'ble Supreme Court has held that once a settlement has been entered into which was accepted by the workman and the management, they are bound by the said

settlement and thereafter there can be no further opening of the said dispute including the demand notice and a reference thereon. He on this basis contends that the order passed by the learned Single Judge as also the reference, which has been made by the competent authority in pursuance to the directions issued by this Court, cannot sustain and deserve to be set aside.

4. Counsel for the respondent, on the other hand, has contended that although a settlement has been entered into between the parties but that does not preclude the workmen from availing the remaining benefits, which they would be entitled to otherwise under the statute. He on this basis contends that the judgment passed by the learned Single Judge needs to be upheld as the matter has only been referred and as yet, no evidence has been led by the parties.

5. Having considered the submissions made by the counsel for the parties and on going through the judgment passed by the Hon'ble Supreme Court in *M/s Glaxo Smithkline Consumer Health Care Limited's case (supra)*, we are of the considered view that the issue involved in the present case, as has been culled in the arguments and the submissions made by learned senior counsel for the appellant, is covered by the judgment passed by the Hon'ble Supreme Court, referred to above, the order passed by the learned Single Judge and as a consequence thereof, the reference cannot sustain.

6. These appeals are allowed and the judgment passed by the learned Single Judge is set aside.

7. It goes without saying that the reference which is the subject matter of challenge in the writ petitions is also set aside.

8. In the light of the decision of the appeals, all pending applications stand disposed of as infructuous.

**(AUGUSTINE GEORGE MASIH)
JUDGE**

September 7th, 2022
Puneet

**(ALOK JAIN)
JUDGE**

Whether speaking/reasoned: Yes

Whether Reportable: No