

2024:PHHC:096921



CWP-10999-1997

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

204 (2 cases)

CWP-10999-1997

Date of Decision : 31.07.2024

ISHWAR SINGH

.... PETITIONER

V/S

PRESIDING OFFICER, INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT, PANIPAT AND ANR

.... RESPONDENTS

2.

CWP-11000-1997

SHAMBHU LAL

.... PETITIONER

V/S

PRESIDING OFFICER, INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT, PANIPAT AND ANR

.... RESPONDENTS

CORAM : HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present :- Mr.R.K.Malik, Sr. Advocate with
Mr. Kartikey Chaudhary, Advocate
for the petitioners.

Mr. Raman Sharma, Addl.A.G., Haryana.

JAGMOHAN BANSAL, J. (Oral)

1. By this common order, CWP-10999-1997 and CWP-11000-1997 are disposed of as issues involved and prayer sought in both the petitions are common.



2. The petitioners through instant petition under Articles 226/227 of the Constitution of India are seeking setting aside of award dated 02.09.1996 and direction to the respondents to reinstate them with all the consequential benefits.

3. The respondent No.2 is a Trust created by State of Haryana. The said trust at one point of time was having a piece of agricultural land. The said Trust launched a scheme of imparting training to orphans. The petitioners came to be appointed as Motor Mechanic/Tractor Mechanic Instructor by respondent-Trust. They were appointed in 1986 and on account of closure of aforesaid scheme, they came to be terminated w.e.f. 29.03.1991. The respondent did not pay compensation to both of them as per Section 25FF of Industrial Disputes Act (for short, "ID Act") read with Section 25 FFF of ID Act. They approached Labour Court which by impugned order concluded that respondent has not complied with mandate of Section 25 FFF of ID Act but they cannot be reinstated and they are entitled to closure compensation of Rs.4812/- per person.

4. Mr. Raman Sharma, Addl.A.G., Haryana, submits that amount awarded by Labour Court stands paid to the petitioners. The petitioners were retrenched in 1991 and a period of 33 years has passed away. At this stage, they cannot be reinstated.

5. Mr.R.K.Malik, Sr. Advocate, on being confronted with aforesaid facts, submits that the petitioners were ordered to be paid a meagre amount of Rs.4812/- despite their service of 05 years. He doubts even about the payment of said amount. They should be further compensated.



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6. To resolve the issue and put the litigation to rest, this Court considering the length of service, last drawn pay of the workmen and directions of Labour Court deems it appropriate to direct the respondent-State to pay a sum of Rs.25,000/- per person as lump sum payment. Let the needful be done within 3 months from today.

7. If the amount of Rs.4812/- ordered to be paid by Labour Court till date has not been paid, it would be paid along with interest @ 9% from the date of order passed by the Labour Court.

8. Disposed of.

(JAGMOHAN BANSAL)
JUDGE

31.07.2024*anju*

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No