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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-12572-1999
Date of Decision:28.08.2024

THE EXECUTIVE ENGINEER M.H.C.DIVISION III PSEB
TALWARA TOWNSHIP Petitioner

Versus

PARAMJIT SINGH AND ANR. Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Sanjeev Sharma, Advocate
for the petitioner.

Mr. Mrinal Dewar, Advocate for
Mr. R.S. Minhas, Advocate
for respondent No.1.

JAGMOHAN BANSAL, J. (Oral)

1. On 19.07.2024, the following order was passed:

“1. Petitioner-The Executive Engineer M.H.C. Division III PSEB Talwara Township has filed the instant writ petition, challenging the impugned award dated 26.11.1998(Annexure P-4), passed by respondent No.2, whereby reference No.66 of 1997, filed under Section 10 (1) (C) of the Industrial Disputes Act, 1947 has been answered partially in favour of the workman.

Learned Labour Court held that the workman is entitled for reinstatement in service alongwith its continuity, however, without back wages.

2. Aggrieved with the impugned award, petitioner-Management has filed the present writ petition. This Court while issuing notice to the respondents stayed the operation of the impugned award vide order dated 07.09.1999 and thereafter, the writ petition was admitted vide order dated



14.12.2000.

3. *Learned counsel for the petitioner prays for some time to ascertain the fact if any amount is paid to the workman during the pendency of the present writ petition under the provisions of Section 17- B of the Industrial Disputes Act, 1947.*

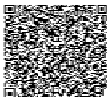
4. *Adjourned to 28.08.2024.”*

2. Learned counsel for the petitioner submits that petitioner has paid last drawn salary to workman up to September’ 2016 and thereafter he did not come forward to collect his salary. He attained the age of superannuation on 03.04.2017. The petitioner is willing to pay salary for the period from October’ 2016 to April’ 2017, if workman comes forward.

3. Learned counsel for the respondent submits that he has no instructions from his client.

4. In *Senior Superintendent Telegraph (Traffic), Bhopal vs. Santosh Kumar Seal and others, (2010) 6 SCC 773, Hari Nandan Prasad and another vs. Employer I/R to Management of Food Corporation of India and another, (2014) 7 SCC 190, District Development Officer and another vs. Satish Kantilal Amrelia, (2018) 12 SCC 298, State of Uttarakhand and another vs. Raj Kumar (2019) 14 SCC 353 and Ranbir Singh vs. Executive Engineer PWD (2021) 14 SCC 815* Supreme Court has held that it is neither mandatory nor automatic to reinstate workman who has been retrenched without complying with provisions of Section 25F of 1947 Act.

5. Keeping in mind paras 50-52 of judgment of Supreme Court in *Central Council for Research in Ayurvedic Sciences and another v. Bikartan Das and others, 2023 SCC OnLine SC 996* and to put the



litigation to rest, this Court considering the length of service and last drawn pay of the workman; efflux of time; change of circumstances; payment of wages to workman in terms of Section 17-B of 1947 Act and directions of Tribunal, deems it appropriate to direct the management to pay salary for the period from October’ 2016 to April’ 2017 and a sum of ₹50,000/- as lump sum compensation to workman, if workman comes forward.

6. Disposed of in above terms.

(JAGMOHAN BANSAL)
JUDGE

28.08.2024
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Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>