



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

208

CWP-17163-1996 (O&M)
Decided on : 21.05.2024

Municipal Corporation, Faridabad

. . . Petitioner(s)

Versus

Presiding Officer,
Industrial Tribunal-cum-Labour Court-I,
Faridabad and another

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Sunil Kumar Pandey, Advocate
for the petitioner(s).

None for respondent No.2 – workman.

SANJAY VASHISTH, J. (Oral)

1. Petitioner – Municipal Corporation, Faridabad (MC) has filed the present writ petition, by challenging the award dated 09.11.1995 (Annexure P-3), passed by the learned Tribunal-cum-Labour Court-I, Faridabad (for brevity, ‘learned Tribunal’), whereby, Reference No.98/1993, under Section 10(1)(C) of the Industrial Disputes Act, 1947 (in short, ‘ID Act’) has been answered in favour of respondent No.2 – Aman Singh (workman).

While holding that the termination of the service of the workman is bad in law, learned Tribunal has held the workman to be entitled for reinstatement with full back-wages and with all benefits including one of continuity in service.

2. Pleaded case of the workman through the claim statement is that he was employed by the MC, Faridabad, w.e.f. 01.02.1992 as an



‘Electrician’ on monthly salary of Rs.971/- and lastly, worked till 31.01.1993. Without assigning any reason, issuance of notice, notice pay or payment of retrenchment compensation amount, he was abruptly disallowed to perform his duties. Thus, the workman claimed that termination of his service is in utter violation of Section 25-F of the ID Act.

3. On the other hand, MC, Faridabad (petitioner herein) being Management pleaded in its written statement that the workman was never employed as an electrician, as alleged by him, but in fact, he was employed as Beldar/helper to the Electrician in Rural Sub-Division, Sector 37 w.e.f. 01.04.1992, on monthly salary of Rs.960/-. Further pleaded that he was employed purely on temporary basis on muster roll for a particular work, and after completion of that work, his services were no longer required. Therefore, his removal from service cannot be termed as “termination from service”.

4. On the basis of pleadings of the parties, following issues were framed by learned Tribunal:-

- “1. Whether the order of the management terminate the service of the workman is legal and justified; if not to what relief is entitled? OPM.
2. Whether the workman has no locus standi to file claim? OPM.
3. Relief.”

5. To prove the pleadings raised by the workman (respondent No.2) through claim statement, he appeared as MW-1, and produced on record the documents Ex.W-1 to Ex.W-24.

6. On the other hand, Management (petitioner) also produced its one witness namely; Anand Saroop, a Junior Engineer, as MW-1, who stated



that the workman worked as daily wager w.e.f. from 01.02.1992 up to 31.07.1992, and left for one month and again joined on 01.09.1992 and then was ultimately removed on 31.01.1993. He further stated that since the workman was only a daily wager, so, never any appointment letter and termination order was given to him. However, on being confronted with the documentary evidence tendered by the workman i.e. Ex.W-1 to Ex.W-24, he admitted the signatures of the workman, because, he was not in a position to deny the same.

Thus, learned Tribunal held that the evidence led by the workman has gone unchallenged that he joined as an electrician and worked as such from 01.02.1992 to 31.01.1993. The workman has led the documentary evidence, which has been admitted by the witness of the Management itself. Even the report of work performed by the workman as electrician and its reports, approved by the officers (Ex.W-16) is a very important piece of evidence and that goes to prove the crucial facts that in fact, the workman was serving the Management as an 'electrician'.

Thus, holding that the evidence of the workman has gone unchallenged and having substance in it, in-comparison to the stand taken and evidence led by the Management, learned Tribunal had answered the reference in favour of the workman.

7. Heard counsel for the petitioner and perused the case file thoroughly.

8. This Court has noticed that by challenging the impugned award dated 09.11.1995 (P-3) passed by learned Tribunal, the petitioner – Management succeeded in getting operation of the impugned award dated 09.11.1995 (P-3) stayed, subject to the provisions of Section 17-B of the ID



Act. Thereafter, the writ petition is lying admitted, by virtue of order dated 01.06.1999.

9. This Court is well satisfied that there is no illegality or infirmity in the impugned award dated 09.11.1995 (P-3), thus, same is not required to be disturbed, without there being any substantial reason. This Court also notices the fact that there is nothing on record to show that whether petitioner – Management has complied with the provisions of Section 17-B of the ID Act, subject to which the operation of the impugned award dated 09.11.1995 (P-3) was stayed by this Court.

10. In totality of circumstances, while maintaining the award dated 09.11.1995 (P-3), passed by learned Tribunal, the present writ petition filed by the petitioner – Management is **dismissed**.

However, noticing the fact that workman (respondent No.2), worked for about a year i.e. up-till 31.01.1993, and more than 13 years have passed thereafter, this Court is of the view that re-employment/reinstatement of the workman would not be feasible. Even, workman might have crossed the age of superannuation also. Be that as it may, there would be an option with the petitioner – Management to either comply with the award dated 09.11.1995 (P-3) in its entirety or to pay the lump-sum amount of compensation as ₹ 3,00,000/- (₹ Three Lakhs only) to the workman (respondent No.2), or any other person, whosoever is found to be entitled on behalf of the workman (respondent No.2).

11. I hereby deem it appropriate to award the lump-sum amount of compensation of ₹ 3,00,000/- (₹ Three Lakhs only), payable to the respondent No.2 – workman by the petitioner – Management, within a period of three months from today i.e. on or before 21.08.2024, failing



which, the petitioner – Management would be liable to pay the lump-sum amount of compensation of ₹3,00,000/- (₹ Three Lakhs only) along with interest @ 6% per annum, from the date of the today's order i.e. 20.05.2024.

It is, however, clarified that the aforesaid lump-sum amount of compensation is towards all the relief, as claimed by respondent No.2 – workman, through demand notice/claim statement. In other words, respondent No.2 – workman would not be entitled for any other relief of any kind.

With the aforementioned additional modifications, present writ petition stands **disposed of**.

(SANJAY VASHISTH)
JUDGE

May 21, 2024

J.Ram

Whether speaking/reasoned: ✓ Yes/~~No~~

Whether Reportable: ✓ Yes/~~No~~