



203 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-14847-1998 (O&M)
Date of Decision:20.08.2024

STATE OF PUNJAB AND ORS. Petitioners
Versus
KARAM SINGH AND ANR. Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. G.S. Bullar, AAG, Punjab for the petitioners.

Mr. Vikas Singh, Advocate for respondent No.1.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioners through instant petition under Articles 226/227 of the Constitution of India are seeking setting aside of award dated 11.05.1998 (Annexure P-5) whereby Labour Court has answered the reference in favour of the workman.

2. The Labour Court has ordered to reinstate the workman with full back wages. The workman was retrenched in 1992. The Labour Court passed award on 11.05.1998. Meaning thereby, a period of 32 years from the date of retrenchment and 26 years from the date of award has passed away. The management was directed to pay to workman, in terms of Section 17-B of Industrial Disputes Act, 1947 (for short '1947 Act'), during the pendency of present petition. The impugned award was stayed by this Court on 18.09.1998 subject to the compliance of provisions of Section 17-B. Management has not complied with Section 17-B of 1947 Act.

3. Mr. Vikas Singh, Advocate submits that he does not claim for reinstatement, however, he may be granted compensation.

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.

4. 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; non-payment of wages to workman in terms of Section 17-B of 1947 Act and directions of Labour Court, deems it appropriate to direct the management to pay a sum of ₹50,000/- as lump sum payment to workman. Let the needful be done within 2 months from today.

4. Disposed of in above terms.

5. Pending misc. application(s), if any, shall also stand disposed of.

(JAGMOHAN BANSAL)
JUDGE

20.08.2024
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No