



CWP-15840-2000 (O&M)

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CWP-15840-2000 (O&M)

Date of decision: 23.08.2024

STATE OF PUNJAB AND OTHERS

....PETITIONERS

Vs.

RACHHPAL SINGH AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Gurpartap Singh Bhullar, AAG, Punjab
for the petitioners.

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 whereby Labour Court has answered the reference against the Management.

2. On 20.07.2001, the following order was passed:

“Heard learned counsel for the parties.

This Court is of the opinion that the petitioners have failed to give any justification for non-compliance of Section 17B of the Industrial Disputes Act, 1947. However, on a request made by Mr. H.S. Sran, learned Deputy Advocate General, Punjab, the authorities are granted one month's time to grant to the applicant the benefit of the wages as prescribed under Section 17B of the Act aforesaid. The petitioners are directed to comply with paragraph 10 of the award by making payment of a sum of Rs.7000/- to the workman. Thereafter, the monthly wages be paid to him along with wages paid to the other workmen.

Application is allowed.”



3. Mr. Gurpartap Singh Bhullar, AAG, Punjab submits that Authorities concerned have complied with aforesaid order otherwise workman must have filed contempt petition or an appropriate application in the present petition.

4. The Labour Court has ordered to reinstate the workman with lumpsum back wages of ₹7,000. The workman was retrenched in May' 1992. The Labour Court passed award on 17.11.1999. Meaning thereby, a period of 32 years from the date of retrenchment and 25 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. Management has complied with Section 17-B of 1947 Act. The last drawn salary of workman was ₹882 p.m.

5. 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.

6. 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 a sum of ₹50,000/- as lump sum payment to workman. Let the needful be done within 3 months from today.

7. It is made clear that if petitioner has not complied with order dated 20.07.2001 of this Court, it shall make payment of amount stated in the said order along with interest @ 9% per annum to the workman within a period of 3 months from today.

8. Disposed of in above terms.

9. Pending miscellaneous application(s), if any, shall also stand disposed of.

10. Registry is directed to send copy of this order to respondent on his available address.

23.08.2024
manoj

[JAGMOHAN BANSAL]
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No