



CWP-16122-2000 (O&M)

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

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CWP-16122-2000 (O&M)

Date of decision: 23.08.2024

ORIENTAL INSURANCE COMPANY LIMITEDPETITIONER**Vs.****PRESIDING OFFICER, CENTRAL GOVERNMENT, INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT AND ANOTHER****...RESPONDENTS****CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present: Ms. Kavita Arora, Advocate and
Mr. Ashwani Talwar, Advocate for
Mr. S.C. Pathela, Advocate
for the petitioner.

JAGMOHAN BANSAL, J (ORAL)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of award whereby Labour Court has answered the reference in favour of the workman.
2. The Labour Court vide Award dated 17.02.2000 (Annexure P-5) answered the reference in favour of the workman. He was ordered to be reinstated with continuity of service. He was awarded ₹15,000/- in lieu of backwages.
3. The petitioner is claiming that despite notices sent to workman, he did not come forward to join, thus, he could not be reinstated.
4. A perusal of the record reveals that except on two occasions, there was no representation on behalf of respondents.



5. The Labour Court has ordered to reinstate the workman with continuity of service and a sum of ₹15,000/- in lieu of backwages. The workman was retrenched in 1985. The Labour Court passed award on 17.02.2000. Meaning thereby, a period of 39 years from the date of retrenchment and 24 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.

6. 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.

7. At this belated stage, the reinstatement of workman cannot be justified especially when he is not coming forward.

8. 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



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direct the management to pay a sum of ₹75,000/- ./- as lump sum payment to workman. Let the needful be done within 3 months from today.

9. It is made clear that if petitioner has not paid ₹15,000/- awarded by the Labour Court, the said amount shall be paid within 3 months from today along with interest @ 9% per annum.

10. Disposed of in above terms.

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

12. 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