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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-17724-1997 (O&M)
Date of Decision:08.08.2024

PARI YAMAL AND ORS. Petitioners

Versus

THE PRESIDING OFFICER, LABOUR COURT PATIALA AND
ORS. Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Ashok Sharma Nabhewala, Advocate with
Ms. Gauri Sharma, Advocate
for the petitioners.

Mr. Vikram Preet Arora, Advocate and
Mr. Sukhdeep Singh Bhinder, Advocate
for respondents No.2 and 3.

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 15.07.1997 (Annexure P-4) and direction to respondents No.2 & 3 to reinstate them with all consequential benefits.
2. The petitioners claimed that they had worked with respondent-Notified Area Committee, Mohali from July' 1988 to July' 1991. They were retrenched without complying with mandate of Section 25F of Industrial Disputes Act, 1947 (for short '1947 Act'). Their matter came to be referred to Labour Court, Patiala which vide Award dated 15.07.1997 has answered against petitioners No.2, 3 & 5 and in favour of petitioners No.1 and 4. The Labour Court has awarded lump sum compensation of ₹20,000/- each to petitioners No.1 to 4. In the case of



other petitioners, the Labour Court has held that they have failed to prove that they had worked for 240 days during preceding 12 months, thus, they are not entitled to protection of Section 25F of 1947 Act.

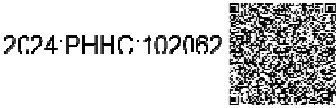
3. Mr. Ashok Sharma Nabhwala, counsel for the petitioners submits that all the petitioners, at the same point of time, joined the respondent and were terminated, thus, findings of Labour Court to the effect that three petitioners had not completed 240 days during preceding 12 months are incorrect. The amount of compensation awarded to other two petitioners is on the lower side.

4. Mr. Vikram Preet Arora, counsel for respondents No.2 and 3 submits that petitioners were never employees of their Organization. They were engaged through contractor, thus, respondents were not liable to pay compensation in terms of Section 25F of 1947 Act.

5. I have heard the arguments of both sides and with the able assistance of learned counsels have perused the record.

6. From the perusal of record, it is evident that as per petitioners they were engaged from July' 1988 to July' 1991, meaning thereby, they at the most had worked for three years with the respondent. The respondent is claiming that petitioners were engaged through contractor and petitioners are disputing this fact. The impugned award was passed in 1997. A period of almost three decades has passed away from the date of passing of award. There seems no occasion to reinstate the petitioners. The question remains only of the compensation. Petitioners No.2, 3 and 5 are not awarded any amount of compensation.

7. To resolve the issue and without commenting upon merits of the case, I deem it appropriate, considering the aforesaid facts, to direct



the respondent to pay ₹30,000/- each to petitioners No.2, 3 and 5. In case of petitioner No.1 and 4, if awarded amount has already been paid, no further amount would be payable, however, if the said amount has not been paid, it would be paid alongwith interest @ 7.5% per annum. The needful shall be done within three month from today.

8. The aforesaid amount would be released, if the petitioners submit their details within one month from today.

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

(JAGMOHAN BANSAL)
JUDGE

08.08.2024
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No