

CWP-19183-1997
CWP-5438-1998

1 2024:PHHC:143216



209 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

1) CWP-19183-1997
Date of Decision:04.11.2024

THE KAMALPURA COOPERATIVE AGRICULTURAL
SERVICE SOCIETY LTD Petitioner

Versus

PRESIDING OFFICER, LABOUR COURT, LUDHIANA AND
ANR Respondents

2) CWP-5438-1998

SUKHDEV SINGHPetitioner

Versus

PRESIDING OFFICER, LABOUR COURT AND ANR
.....Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Vaibhav Sharma, Advocate
for the petitioner.

Mr. Tahaf Bains, Advocate
for the respondents.

JAGMOHAN BANSAL, J. (Oral)

1. By this common order CWP-19183-1997 and CWP-5438-1998 are disposed of since issues involved in the captioned petitions and prayer sought are common. With the consent of parties and for the sake of brevity, facts are borrowed from CWP-19183-1997.
2. 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 workman.



3. The Labour Court has ordered to reinstate the workman with 50% back wages. The workman was retrenched on 20.04.1983. The Labour Court passed award on 13.02.1997. Meaning thereby, a period of 41 years from the date of retrenchment and 27 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.

4. Learned counsel for the petitioner submits that an appropriate amount of lump sum compensation may be awarded.

5. Faced with this, learned counsel for the respondents submits that he leaves to this Court to decide lump sum amount of compensation.

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. Keeping in mind afore-cited judgments of Supreme Court 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 Labour Court, deems it appropriate to direct the management to pay a sum of ₹30,000/- as lump sum payment to workman. Let the needful be done within 3 months from today.

8. Disposed of in above terms.

(JAGMOHAN BANSAL)
JUDGE

04.11.2024
Ali

Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>