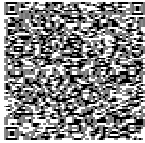


CWP-17526-2001 and  
other connected matters

1

2024:PHHC:129671



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

209 (03 cases)

CWP-17526-2001  
Date of Decision : 30.09.2024

KARAM CHAND  
V/S  
.... PETITIONER

STATE OF HARYANA & ORS.  
.... RESPONDENTS

2. CWP-18647-2001  
PALA  
V/S  
.... PETITIONER

STATE OF HARYANA & ORS.  
.... RESPONDENTS

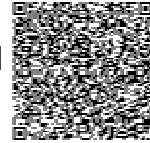
3. CWP-18641-2001  
AMAR NATH  
V/S  
.... PETITIONER

STATE OF HARYANA & ORS.  
.... RESPONDENTS

**CORAM : HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present : Mr.Rishav Jain, Advocate  
for the petitioner.  
  
Mr. Raman Sharma, Addl.A.G., Haryana.

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**JAGMOHAN BANSAL, J. (Oral)**

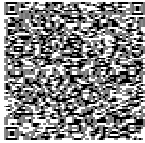
1. By this common order, CWP-17526-2001, CWP-18647-2001 and CWP-18641-2001 are disposed of as issues involved and prayer sought in all the petitions are common. For the sake of convenience and with the consent of parties, the facts are borrowed from CWP-17526-2001.

2. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of award dated 12.03.2001 (Annexure P-3) whereby Labor Court has answered the reference against him.

3 The petitioner joined respondent in January'1988 and worked till 30.11.1996. He was relieved on 01.12.1996. On his application, the matter was referred to Labour Court which has answered against him.

4. The Labour Court has primarily dismissed claim of the petitioner on the ground that he was not engaged through employment exchange, thus, his entry was a back door entry and he cannot claim compensation under Industrial Disputes Act, 1942 (for short 'ID Act') or reinstatement.

5. Mr. Rishav Jain submits that grievance of the petitioner, at this stage, would be redressed if some compensation is awarded. He does not claim reinstatement.



6. Mr. Sharma submits that the petitioner was not appointed through regular process and it was a back door entry. The road construction work completed in 1996, thus, the petitioner could not be retained.
7. Supreme Court in *Devinder Singh vs. Municipal Corporation, Chandigarh, (2011) 6 SCC 584* has held that a workman is entitled to protection of Sections 25B and 25F of ID Act either he is a daily wage worker or part time or contractual provided he has completed 240 days in preceding 12 months.
8. The petitioner concededly had completed 240 days in the preceding 12 months, thus, he was entitled to protection of Sections 25B and 25F of ID Act. As conceded by petitioner, he at this stage cannot be reinstated, however, he deserves some amount of compensation.
9. Considering the totality of facts and circumstances, I find it appropriate to direct the respondents to pay a sum of Rs.60,000/- to each petitioner as lump sum compensation within three months from today subject to furnishing of proof of identity. In case respondent fails to make payment within aforesaid period, it would be liable to pay interest @ 12% per annum from the expiry of said period.
10. Disposed of in above terms.

(JAGMOHAN BANSAL)  
JUDGE

30.09.2024  
anju

Whether speaking/reasoned : Yes/No  
Whether Reportable : Yes/No