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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-221-1998 (O&M)
Date of Decision:29.08.2024

THE CHAIRMAN HISAR CENTRAL COOP. CONSUMER
STORE LTD. AND ANR. Petitioners

Versus

PRESIDING OFFICER LABOUR COURT-CUM-INDUSTRIAL
TRIBUNAL HISAR AND ORS. Respondents

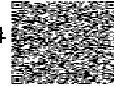
CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Shailendra Jain, Sr. Advocate with
Mr. Munish Kumar, Advocate
for the petitioners.

Mr. Harshit Joon, Advocate and
Mr. Sagar Bathla, Advocate for
Mr. Manvender Rathee, Advocate
for respondent No.2.

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 against the Management.
2. The Labour Court has ordered to reinstate the workman with 50% back wages. The workman was retrenched on 16.11.1993. The Labour Court passed award on 27.08.1997. Meaning thereby, a period of 31 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.

3. Learned counsel for the workman submits that petitioner-management has stopped making payment of last drawn salary in terms of Section 17B of Industrial Disputes Act, 1947 (for short '1947 Act').

4. Mr. Shailendra Jain, Sr. Advocate submits that payment was stopped in October' 2016 because workman did not come forward.

5. On the asking of Court, learned counsel for the parties submit that they leave to Court to determine question of lump sump 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 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 ₹80,000/- as lump sum payment to workman. Let the needful be done within 3 months from today.

8. Disposed of in above terms.
9. Pending misc. application(s), if any, shall also stand disposed of.

(JAGMOHAN BANSAL)
JUDGE

29.08.2024
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Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>