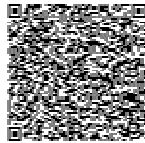


2024:PHHC:100442



CWP-5003-1997 (O&M) 1

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

101+209

CWP-5003-1997 (O&M)
Date of Decision : 06.08.2024

NAGAR PANCHAYAT, MACHHIWARA

.... PETITIONER

V/S

LABOUR COMMISSIONER, PUNJAB AND ORS

.... RESPONDENTS

CORAM : HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present :- Mr.Vikram Preet Arora, Advocate
for the petitioner.

Mr. Aman Dhir, DAG, Punjab.

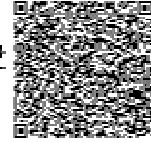
Mr. Raman Kumar, Advocate
for respondent No.3.

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 dated 15.10.1996 whereby Labour Court has directed to reinstate respondent No.3 (for short, 'respondent') and further ordered for payment of back wages.

2. The petitioner is claiming that respondent never joined their office whereas respondent is claiming that he was not permitted to join.

The respondent had worked for 02 years with Nagar Panchayat



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Payal/Jagraon. The respondent was getting pay Rs.351/- per month. The impugned order was passed in 1996 and respondent has never worked with petitioner either before 1996 or after 1996.

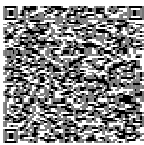
3. The respondent at present is stated to be 76 years old. Considering the age of respondent, distant past, date of award passed by Labour Court and the fact that respondent had never worked with petitioner and he was appointed at pay of Rs. 351/- per month, this Court does not find it appropriate to reinstate him.

4. 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 not necessary to reinstate the workman. He may be paid lump sum compensation.

5. Keeping in mind afore-cited judgments of Supreme Court and to put the litigation to rest, this Court considering the length of service; pay fixed of the workman and directions of Labour Court, deems it appropriate to direct the petitioner to pay a sum of Rs. 50,000/- as lumpsum payment to workman. Let the needful be done within 3 months from today.

6. Disposed of in above terms.

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7. Pending miscellaneous application, if any, shall also stand disposed of.

(JAGMOHAN BANSAL)
JUDGE

06.08.2024
anju

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