



**201 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-7707-2000

Date of Decision:12.08.2024

STATE OF HARYANA

..... Petitioner

Versus

BALWANT SINGH AND ANR

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

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

Mr. Aryaman Thakur, Advocate for respondent No.1.

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 workman.

2. The workman claimed that he joined service in January' 1993 and was illegally retrenched from service on 06.03.1997. The Management is claiming that workman never completed 240 days in the preceding 12 months. The days on which he worked from 1993 to 1997 cannot be collectively considered. As per Section 25F of Industrial Disputes Act, 1947 (for short '1947 Act'), 240 days are required to be completed in the preceding 12 months.

3. The impugned order was stayed vide order dated 12.06.2000 subject to compliance of provisions of Section 17B of 1947 Act. As per learned State counsel, Management has complied with provisions of Section 17B of 1947 Act.

4. The workman was retrenched on 06.03.1997 and he was offered compensation in terms of Section 25F of 1947 Act on 11.03.1997, however, he refused to accept compensation. The amount of compensation was determined ₹2058/-.



5. The Labour Court has ordered to reinstate the workman with 50% back wages. The workman was retrenched on 06.03.1997. The Labour Court passed award on 03.12.1999. Meaning thereby, a period of about 28 years from the date of retrenchment and 26 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.

6. 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 Labour Court, deems it appropriate to direct the management to pay a sum of ₹50,000/- as lump sum payment to workman towards back wages. Let the needful be done within 3 months from today.

7. Learned counsel for respondent No.1 submits that copy of this order may be sent to workman because he has no contact with him.

8. The Registry is directed to send a copy of this order to respondent No.1 on the address available in the paper-book.

(JAGMOHAN BANSAL)
JUDGE

12.08.2024
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No