



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

**CWP-14402-2003 (O&M)
Date of Decision:20.12.2024**

EXECUTIVE ENGINEER

..... Petitioner

Versus

**THE PRESIDING OFFICER, INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT, PANIPAT AND ANR** Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

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

Mr. Manav Dhull, Advocate for

Mr. Ramesh Hooda, 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 full back wages. The workman was retrenched on 01.12.1991. The Labour Court passed award on 01.05.2003. Meaning thereby, a period of 33 years from the date of retrenchment and 21 years from the date of award has passed away. The management was directed to pay to workman, in terms of Section 17B of Industrial Disputes Act, 1947 (for short '1947 Act'), during the pendency of present petition. Management has complied with Section 17B of 1947 Act.

3. Mr. Raman Sharma, Addl. AG, Haryana submits that workman attained age of superannuation in November' 2015 and he was paid last drawn salary till the date of his superannuation. He has not come forward thereafter.



4. Learned counsel for the respondent submits that he is not in contact with his client, thus, he has not instruction.
5. 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.
6. 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 17B of 1947 Act and directions of Tribunal, deems it appropriate to direct the management to pay a sum of ₹50,000/- as lump sum payment to workman. Let the needful be done within 3 months from today.
7. Disposed of in above terms.
8. Pending misc. application (s), if any, shall also stand disposed of.

(JAGMOHAN BANSAL)
JUDGE

20.12.2024
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No