



IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CWP-9689-2000 (O&M)  
Date of Decision:11.09.2024

STATE OF PUNJAB AND ANOTHER ..... Petitioners

*Versus*

RAM SARUP AND ANOTHER ..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Aman Dhir, DAG, Punjab  
for the petitioners.

Mr. R.S. Manhas, Advocate  
for respondent No.1.

\*\*\*\*

JAGMOHAN BANSAL, J. (Oral)

1. The petitioners through instant petition under Articles 226/227 of the Constitution of India are seeking setting aside of award dated 19.05.1999 (Annexure P-4) whereby Labour Court has answered the reference in favour of the workman.
2. The Labour Court by impugned award dated 19.05.1999 (Annexure P-4) has ordered to reinstate the workman with 50% back wages. The workman joined petitioner No.2 in 1986 and he was terminated on 01.12.1989. The Labour Court passed impugned award on 19.05.1999 (Annexure P-4).
3. The Labour Court has ordered to reinstate the workman with



50% back wages. The workman was retrenched on 01.12.1989. The Labour Court passed award on 19.05.1999. Meaning thereby, a period of 35 years from the date of retrenchment and 25 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.

4. Learned State counsel for the petitioner submits that an appropriate amount of lump sum compensation may be awarded.

5. Faced with this, learned counsel for the respondents submits that he leaves to this Court to decide lump sum amount of 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 afore-cited judgments of Supreme Court and to put the litigation to rest, this Court considering the last drawn pay of the workman; efflux of time; order of back wages and compliance of Section 17-B of 1947 Act, deems it appropriate to direct the Management



to pay a sum of ₹1 lakh as lump sum payment to the workman.

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

( JAGMOHAN BANSAL )  
JUDGE

11.09.2024  
*Ali*

|                           |               |
|---------------------------|---------------|
| Whether speaking/reasoned | Yes/No        |
| <i>Whether Reportable</i> | <i>Yes/No</i> |