



CWP-10504-1999 (O&M) -1-

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

206 CWP-10504-1999 (O&M)
Date of decision: 17.12.2024

M/S APAR UDYOGPETITIONER

Vs.

PRESIDING OFFICER, LABOUR COURT, JALANDHAR
AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Sudesh Kumar Pandey, Advocate
for the petitioner (through V.C.).

Mr. Surinder Sharma, Advocate
for respondent No. 2.

JAGMOHAN BANSAL, J (ORAL)

1. The petitioner through instant petition under Article 226 of the Constitution of India is seeking setting aside of Award dated 09.04.1999 (Annexure P-9) whereby Labour Court has answered the reference in favour of the workman.

2. The petitioner is a registered partnership firm and respondent No. 2 is its ex-employee. The respondent-workman joined petitioner on 01.01.1984 and he was terminated on 08.04.1992. On his demand notice, the matter was referred to Labour Court which vide impugned Award ordered to reinstate him with back wages.

3. The petitioner approached this Court by way of instant petition. This Court while issuing notice of motion stayed operation of the impugned order. The workman claimed last drawn wages as per Section 17-B of Industrial Disputes Act, 1947 (for short '1947 Act'). Vide order dated 12.12.2002, the petitioner was

directed to pay last drawn wages to the workman. The said order was modified vide



order dated 18.07.2003 to the effect that workman shall present himself before partner of the petitioner-firm on 01.08.2003 and would join his duty.

4. The respondent-workman finally did not claim wages in terms of Section 17-B of 1947 Act during the pendency of present petition which indicates that he was gainfully employed.

5. The workman was terminated on 08.04.1992 and impugned Award was passed on 09.04.1999. A period of more than 25 years from the date of impugned Award and 32 years from the date of termination has passed away.

6. It is a settled proposition of law that it is not necessary in every case to reinstate the workman and he may be paid lump sum compensation.

7. 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.

8. 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; absence of claim of wages 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 ₹1,25,000/- as lump sum compensation to workman, failing which it would be liable to pay



CWP-10504-1999 (O&M) -3-

interest @ 12% per annum from the expiry of said period. Let the needful be done within 2 months from today.

- 9. Disposed of in above terms.
- 10. Pending miscellaneous application(s), if any, shall also stand disposed of.

17.12.2024
manoj

[JAGMOHAN BANSAL]
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No