



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

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**CWP-18352-2005 (O&M)
Date of decision: 04.11.2024**

M/S EXIDE INDUSTRIES LTD**....PETITIONER****Vs.****MS. NEELAM AND ANR****...RESPONDENTS****CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present: Mr. Amit Jhanji, Senior Advocate with
Mr. Sahil Shehrawat, Advocate
for the petitioner.

Mr. Aryan Sharma, Advocate
for respondent No. 1 (through V.C.).

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 27.04.2005 (Annexure P-1) whereby Labour Court has answered the reference in favour of the workman.
2. The respondent-workman joined petitioner on 21.07.1994 as Clerk. She worked with petitioner till 02.06.1998. In view of her demand notice, the matter came to be referred to Labour Court. The Labour Court vide Award dated 27.04.2005 answered the reference in favour of the workman. The Court held that workman was terminated illegally and she is entitled to reinstatement with full back wages.
3. This Court vide order dated 25.11.2005 while issuing notice of motion, stayed operation of impugned award subject to compliance of provisions of Section 17-B of Industrial Disputes Act, 1947 (for short '1947 Act'). The petitioner complying with provisions of Section 17-B of 1947 Act had paid a sum of Rs.5,85,333/- to the workman.



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4. The impugned Award was passed on 27.04.2005 and workman was terminated on 02.06.1998. A period of 26 years from the date of termination and 19 years from the date of impugned Award has elapsed. At this belated stage, the workman cannot be reinstated, however, she deserves reasonable amount of compensation.
5. On the asking of Court, Mr. Aryan Sharma, Advocate confirmed that during the intervening period, the workman cannot claim that she was unemployed.
6. Mr. Amit Jhanji, Senior Advocate submits that he leaves it to this Court to determine amount of compensation.
7. Considering the statement of both sides, this Court finds it appropriate to direct the petitioner to pay Rs.3,00,000/- to workman as lump sum amount. The payment shall be made within 1 month from today, failing which the said amount will carry interest @ 9% per annum.
8. Disposed of accordingly.
9. Pending miscellaneous application(s), if any, shall also stand disposed of.

04.11.2024
manoj

	[JAGMOHAN BANSAL]
	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No