

121LPA-1094-2024 (O&M)
Date of decision: 02.05.2024

Kuldeep Singh...Appellant

Versus

State of Haryana and another...Respondents

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL
HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. Karan Singh, Advocate
for the appellant.

Ms. Shubhra Singh, Addl. A.G. Haryana.

DEEPAK SIBAL, J.(ORAL)

On 01.06.1995, the appellant was appointed as a Beldar and worked on such post till 23.07.1996. On 24.07.1996, his services were terminated. He challenged his termination by raising an industrial dispute which was referred to be adjudicated upon by the Industrial Tribunal-cum-Labour Court, Panipat (for short – the Labour Court). Through award dated 08.09.2000, the Labour Court held that the appellant’s services had been terminated in violation of Section 25-F of the Industrial Disputes Act, 1947 (for short – the Act) with a further direction to reinstate the appellant with continuity of service and full backwages.

2. The State of Haryana which was the appellant’s employer, challenged the Labour Court’s aforesaid award by filing of a writ petition before this Court. A learned Single Judge concurred with the finding returned by the Labour Court that the appellant’s services had been terminated without following the procedure prescribed under Section 25-F

of the Act. However, considering the fact that before termination of his services, the appellant had served his employer for only 01 year and that for nearly 23 years, in compliance with Section 17-B of the Act, had received his last drawn salary as also because after a gap of 28 years from the date of termination of his services the appellant should not be thrust upon his employer, modified the award of the Labour Court substituting the appellant’s reinstatement by a direction to pay to him lump sum compensation @ Rs.2.50 lakhs.

3. After hearing learned counsel for the appellant and perusing the record, we find that even though the termination of the appellant’s services have been concurrently found to be in violation of Section 25-F of the Act, through the impugned judgment the learned Single Judge committed no error by not ordering his reinstatement and instead directing payment to him by his employer compensation of Rs.2.50 lakhs as prior to the termination of his services, the appellant had put in only 01 year of service and that for the last about 23 years had received, in terms of Section 17-B of the Act, his last drawn wages as also because after 28 years from the date of termination of his services, it was not desirous to thrust the appellant upon his employer.

4. Dismissed.

5. All pending miscellaneous application(s), if any, also stand disposed of.

(DEEPAK SIBAL)
JUDGE

(DEEPAK MANCHANDA)
JUDGE

02.05.2024
Sapna

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