



CWP-2365-2006 (O&M)

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

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CWP-2365-2006 (O&M)

Date of decision: 29.08.2024

SECTOR SUPERINTENDENT-I GOVT. LIVESTOCK FARM, HISAR

....PETITIONER

Vs.

SHRI BHAGWAN & OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

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

Mr. Tara Chand Dhanwal, Advocate
for respondent No.1.

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 workman.

2. The Labour Court has ordered to reinstate the workman with 50% back wages. The workman was retrenched on 01.05.1998. The Labour Court passed award on 01.03.2005. Meaning thereby, a period of 26 years from the date of retrenchment and 19 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.

3. 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.

4. Keeping in mind paras 50-52 of judgment of Supreme Court in *Central Council for Research in Ayurvedic Sciences and another v. Bikartan Das and others, 2023 SCC OnLine SC 996* 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 17-B of 1947 Act and directions of Tribunal, deems it appropriate to direct the management to pay a sum of ₹1,00,000/- as lump sum payment to workman. Let the needful be done within 1 month from today.

5. Disposed of in above terms.

6. Pending miscellaneous application(s), if any, shall also stand disposed of.

29.08.2024
manoj

[JAGMOHAN BANSAL]
JUDGE

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