IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

212 **CWP-8096-2005 (O&M)**
Date of decision: 20.08.2024

SUKHDEV SINGH **….PETITIONER**

Vs.

PRESIDING OFFICER-LABOUR COURT PATIALA AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Rajesh Bansal, Advocate
for the petitioner.

Mr. Anupam Singla, Advocate and
Mr. Lalit Goyal, Advocate
for respondent No. 2 and 3.

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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 petitioner worked with respondent-management from 01.10.1989 to 28.07.1990. He was removed from service on 08.04.1990. Feeling aggrieved from termination, he approached the authorities. A reference came to be made to Labour Court which vide impugned award dated 03.02.2005 has answered the reference against the workman.

3. The workman at present is 71 years old, thus, issue of reinstatement no more survives.

4. The Labour Court has rejected the claim of the workman. The workman was retrenched in 1990. The Labour Court passed Award on

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03.02.2005. Meaning thereby, a period of 34 years from the date of retrenchment and 19 years from the date of award has passed away. The question which remains pending is as to whether petitioner-workman is entitled to backwages as prayed for.

5. 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 and change of circumstances; deems it appropriate to direct the management to pay a sum of ₹35,000/- as lump sum payment to workman. Let the needful be done within 3 months from today.

6. Disposed of in above terms.

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

20.08.2024 **[JAGMOHAN BANSAL]**
manoj **JUDGE**

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

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