



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CWP-14622-2012

Date of decision: 29.10.2024

NAIB TEHSILDAR, ISMAILABAD, DISTRICT KURUKSHETRA
....PETITIONER

Vs.

RAJ KUMAR AND ANOTHER
...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Raman Sharma, Addl. A.G., Haryana.

Mr. Jarnail Singh Saneta, 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 dated 01.12.2011 (Annexure P-6) whereby respondent-workman was ordered to be reinstated with 50% back wages.
2. There is dispute with respect to date of joining and date of termination. As per workman, he had worked for 9 years whereas as per Management, the workman had worked for 7 years.
3. The petitioner is an instrumentality of State. Concededly, the workman was engaged for 5 hours a day and was paid daily wages. He was not appointed after following procedure prescribed for appointment of regular employees. The Labour Court has ordered to reinstate him and it amounts to permanent/regular appointment of the workman. The said direction is contrary to the judgment of Supreme Court in *Secretary, State of Karnataka and others v. Uma Devi and others, (2006) 4 SCC 1*.



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4. The workman concededly had worked for quite a long time and was retrenched without paying compensation as contemplated by Sections 25-B and 25-F of Industrial Disputes Act, 1947. He deserves compensation, though he cannot be reinstated.
5. Learned counsel for the parties submit that they leave it to this Court to decide lump sum compensation to be payable to the workman.
6. Considering the length of service, date of termination, efflux of time, last drawn salary (Rs. 3500/- per month), this Court finds it appropriate to direct the petitioner to pay lump sum Rs.1.2 lacs to workman within two months from today. The said amount shall carry interest @ 9%, if payment is not made within 2 months from today.
7. Disposed of accordingly.

29.10.2024
manoj

[JAGMOHAN BANSAL]
JUDGE

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