



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

220

**CWP-1980-2016****Decided on : 10.05.2024**

Ram Chander

... Petitioner(s)

Versus

The Presiding Officer,  
Labour Court, UT Chandigarh and another

... Respondent(s)

**CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH****PRESENT:** Mr.Kshitiz Goel, Advocate for  
Mr. P.K. Kukreja, Advocate  
for the petitioner(s).Mr. Rajeshwar Singh Thakur, Advocate and  
Mr. Sanjay Singh, Advocate  
for respondent No.2.

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**SANJAY VASHISTH, J. (Oral)**

1. Petitioner – Ram Chander (workman) has filed the instant writ petition for seeking modification of the impugned award dated 21.12.2012 (Annexure P-1), vide which reference under Section 10(1)(C) of the Industrial Disputes Act, 1947 (for brevity, 'ID Act'), has been answered partly in his favour by holding that the termination of the workman is against the law, because the provisions of Section 25-F of the ID Act, have not been complied with.

However, instead of reinstatement with continuity in service, one time lump-sum amount of compensation of Rs.40,000/- has been ordered by learned Labour Court. Thus, the workman (petitioner herein) is before this Court for seeking modification of the impugned award dated 21.12.2012 (P-1).

2. On the very outset, counsel for the petitioner points out that for



similarly situated co-worker (workman), who was terminated along with present petitioner (workman), this Court has already enhanced the amount of compensation from Rs.40,000/- to Rs.1,00,000/- vide order dated 02.02.2018, passed in CWP No.1063 of 2016, titled as, “**Mohinder Kumar vs. The Presiding Officer and another**”.

In support of his contention, counsel for the petitioner has produced the net-generated copy of the order dated 02.02.2018. Same is taken on record, subject to all just exceptions. For reference, order dated 02.02.2018, is reproduced as under:-

**“IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

**CWP-1063-2016**

**Date of Decision:02.02.2018**

*Mohinder Kumar*

*... Petitioner*

Vs.

*The Presiding Officer and another*

*... Respondents*

**CORAM : HON'BLE MR. JUSTICE P.B. BAJANTHRI**

**Present :** *Mr. Sanjeev Gupta, Advocate for the petitioner.  
Mr. Saurav Verma, Advocate for respondent No.2.*

**P.B. BAJANTHRI J. (Oral)**

*In the instant petition, petitioner has challenged the award passed by the Labour Court dated 21.12.2012 (Annexure P-1).*

*Petitioner is stated to have been appointed with the respondent on 2.6.2000. His services were illegally terminated on 1.5.2002. Labour Court proceeded to hold that there is a violation of provisions of ID Act. However, instead of reinstatement, a compensation of Rs.40,000/- has been awarded by the Labour Court. Hence, the present petition.*

*Learned counsel for the petitioner submitted that when the Labour Court has come to the conclusion that order of termination is illegal and contrary to the provisions of ID Act, in that event, petitioner is entitled for reinstatement and continuity of service and back wages. Whereas compensation of Rs.40,000/- has been awarded. Thus, there is a error in the award.*

*Per contra, learned counsel for respondent No.2 while resisting the claim of the petitioner submitted that petitioner has hardly work for two years. Therefore, rightly Labour Court has*



*awarded the compensation. Therefore, there is no infirmity in the award.*

*Heard learned counsel for the parties.*

*Short question for consideration in the present petition is whether petitioner is entitled for reinstatement or whether is he entitled for enhanced compensation?*

*Having regard to the fact that petitioner has rendered only two years of service and he has been out of service from 1.5.2002, therefore, question of reinstatement do not arise in view of the decision of the Supreme Court in the case of B.S.N.L v. Bhurumal; (2014) 7 SCC 177.*

*Insofar as enhancement of compensation is concerned, it is to be noted that for two years award of compensation of Rs.40,000/- is too meager. Accordingly, compensation of Rs.40,000/- awarded by the Labour Court is modified to that of Rs.1,00,000/-. Concerned respondent is hereby directed to pay the enhanced compensation of Rs.1,00,000/- within a period of four months from today. Failing which petitioner is entitled to interest @ 6% per annum from today.*

*Petition stands disposed of accordingly.*

**02.02.2018**

**(P.B. Bajanthri)  
Judge”**

3. Even the LPA preferred by respondent No.2 – Writers & Publishers Limited (Management) against the order dated 02.02.2018, was also dismissed by the Hon’ble Division Bench of this Court, finding no error in the order passed by learned Single Judge.

4. Counsel for the petitioner (workman) further points out that on earlier occasion i.e. on 07.02.2020, while mentioning about the order dated 02.02.2018, of this Court, passed in **Mohinder Kumar’s case (supra)**, and also noticing the fact that writ petition is pending since long, fixed the petition for its final hearing. Order dated 07.02.2020, says as under:-

**“212 CWP-1980-2016**

**RAM CHANDER**

**VS**

**THE PRESIDING OFFICER LABOUR COURT  
CHANDIGARH**

*Present: None for the parties.*

**\*\*\*\*\***

*The petitioner-Ram Chander has filed the present writ petition inter alia praying for modification of the award dated*



21.12.2012 (Annexure P-1), whereby, only a lump-sum amount of Rs.40,000/- was directed to be paid in lieu of reinstatement with full back wages.

Notice of motion in this case was issued on 01.02.2016.

The office report for 08.05.2019 is to the effect that Mr. Vishal Garg Narwana, Advocate has filed vakalatnama on behalf of respondent No.2.

This Court on 25.04.2018, passed the following order:-

“Learned counsel for the petitioner submitted that matter is covered by decision passed in CWP-1063-2016; decided on 02.02.2018; Mohinder Kumar v. The Presiding Officer and another. 2nd respondent is hereby directed to verify and submit on the next date of hearing. If there is no representation on behalf of 2nd respondent on the next date of hearing, matter would be decided with reference to the cited decision.

List this matter on 15.05.2018.”

Let the order passed today, be got noted from both the counsel representing the petitioner as well as respondent No.2. It is also directed that the present matter pertains to the year 2016 and counsel may come present to finally argue the matter.

List for final disposal on 11.05.2020.

**(GIRISH AGNIHOTRI)**  
**JUDGE**

**07.02.2020 ”**

5. Today, counsel for respondent No.2 (Management) is not in a position to controvert the facts, as stated by the petitioner (workman) today as well as on the earlier occasions, more specific, the order dated 07.02.2020, passed in the present writ petition.

6. Therefore, this Court does not find any reason to further defer the hearing of the case, rather, deems it appropriate to dispose of the present writ petition in view of the order already passed by this Court in **Mohinder Kumar’s case (supra)**, who is none other than, the co-worker of the petitioner.

7. Accordingly, present writ petition is partly allowed by maintaining the other directions passed in the impugned award dated 21.12.2012 (P-1), the amount of compensation of ₹40,000/- is enhanced to



₹1,00,000/- (₹ One Lakh only), as already ordered by the Coordinate Bench of this Court in **Mohinder Kumar's case (supra)**.

It is made clear that the complete amount of compensation would be paid by respondent No.2 - Management within a period of three months from today i.e. on or before 11.08.2024, failing which, respondent No.2 – Management would be liable to pay the lump-sum amount of compensation of ₹1,00,000/- (₹ One Lakh only) along with interest @ 6% per annum, from the date of the today's order i.e. 10.05.2024.

With the aforementioned modification, present writ petition stands **disposed of**.

(SANJAY VASHISTH)  
JUDGE

**May 10, 2024**

*J.Ram*

*Whether speaking/reasoned:* ✓ Yes/~~No~~

*Whether Reportable:* ✓ Yes/~~No~~