



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CWP-20303-2016
Decided on : 28.05.2024

Balwinder Singh
Versus
Presiding Officer,
Industrial Tribunal, Patiala and others
... Petitioner(s)
... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Ravi Gakhar, Advocate
for the petitioner(s).
Mr. Vikas Singh, Advocate
for respondent No.2.

SANJAY VASHISTH, J. (Oral)

1. Petitioner – Balwinder Singh, has filed the present writ petition, by challenging the award dated 14.05.2012 (Annexure P-1), passed by the Presiding Officer, Industrial Tribunal, Patiala (for brevity, ‘learned Tribunal’), whereby, Reference No.327/2000, under Section 10(1)(C) of the Industrial Disputes Act, 1947 (in short, ‘ID Act’) has been answered against him.
2. The contention of the workman in the proceedings is that he worked with the Patiala Cooperative Sugar Mills Ltd. (respondent No.2 herein) from 01.01.1988 to 20.06.1991, and his services were terminated w.e.f. 21.06.1991, without assigning any reason, issuance of notice, notice pay, charge-sheet or compensation etc. On the basis of the evidence available on record, learned Tribunal held in paragraph No.14 of the impugned award (P-1) that the workman is found to have worked for 152 ½



days only, in the respondent – Sugar Mill from September 1990 to June 1991. Therefore, it reached to the conclusion that in the absence of completion of 240 working days preceding one year from the termination, it cannot be alleged that there is violation of Section 25-F of the ID Act. Resultantly, petitioner – workman was not found to be entitled for any relief.

3. On assailing the award before this Court, petitioner – workman has tried to prove that there is no specific denial that during the year 1988 to 1991, workman was not working in the Sugar Mill, however, respondents are trying to take undue advantage of the pleadings that the Sugar Mill is a seasonal industry and the work from the workman was taken only as per the requirement. Workman also submits that if the said plea of respondent No.2 – Management (Sugar Mill) is to be accepted, in that situation, the workman is required to work for a period of 120 days.

However, Mr. Vikas Singh, counsel for respondent No.2 – Management (Sugar Mill) controverts the arguments by saying that said provision of law is only to be considered, in case, the petitioner – workman is working in the mines.

4. Be that as it may, this High Court while issuing notice of motion on 15.02.2017, after noticing the contention of the petitioner, got recorded the following order:-

“Present: Mr. Ravi Kakkar, Advocate, for the petitioner.

CM No.16308 of 2016

Exemption application is allowed as prayed for.

CM No.16307 of 2017

Application is allowed. Documents are taken on record.

CWP No.20303 of 2016



Issue notice on quantum of compensation, whether it can be granted in lieu of other relief, for 21.04.2017

Service upon respondent No.1 is dispensed with”.

Besides, there is another order dated 06.02.2020, wherein, petitioner – workman agreed to forego all the claims subject to the payment of lump-sum compensation amount of Rs.1,00,000/-. For reference, same is reproduced as under:-

*“Present: Mr. Ravi Gakhar, Advocate
for the petitioner.*

*Mr. A.S. Pannu, Advocate for
Mr. Vikas Singh, Advocate
for respondent No.2.*

Learned counsel for respondent No.2 may seek instructions to the effect that in case, the Management is ready to give Rs.1,00,000/- as full and final settlement in lieu of any claim of reinstatement/back wages.

Counsel for the petitioner, on instructions from the petitioner who is present in the Court, submits that he has instructions not to pursue the matter any further in case Rs.1,00,000/- is awarded to him.

Adjourned to 02.03.2020.”

5. The second argument of the petitioner – workman, is that one Manjit Singh s/o Dharampal Singh, Vill. & P.O. Tharpal Pur, Distt. Patiala, was appointed on 22.11.1996 i.e. after removal of the petitioner – workman from service. Therefore, there is violation of Section 25-H of the ID Act.

6. On being confronted to the Management (respondent No.2 herein), no specific response has been given to the said fact. However, he does not dispute the authenticity of the document i.e. appointment letter dated 22.11.1996 (Annexure P-11), pertaining to the appointment of said



Manjit Singh. Therefore, this Court finds substantial reason to accept the plea of the petitioner – workman that he worked with respondent No.2 – Management (Sugar Mill) from September 1990 to June 1991, and even after his removal from service, instead of giving priority to the petitioner – workman, vide appointment letter dated 22.11.1996, said Manjit Singh s/o Dharampal Singh, Vill. & P.O. Tharpal Pur, Distt. Patiala, has been appointed as ‘unskilled worker’ on certain terms & conditions mentioned in the appointment letter. Since the issuance of said appointment letter has not been rebutted by respondent No.2 – Management (Sugar Mill), this Court is left with no other option, except to accept the plea raised by the petitioner – workman before this Court.

Undisputedly, the fact being true, as emerging from submissions from both the sides, there is a clear violation of Section 25-H of the ID Act.

7. Considering the facts and circumstances of the case, the **impugned award dated 14.05.2012 (P-1) is hereby set-aside** and the termination of the petitioner – workman is held to be against the provisions of Section 25-H of the ID Act.

Besides, considering the fact that the petitioner workman himself has conceded to forego all his claim, subject to the payment of lump-sum compensation amount of ₹ 1,00,000/-, and same is endorsed before this Court also. **Therefore, respondent No.2 – Management, who is already facing the proceedings before the liquidator, is directed to pay a lump-sum amount of ₹ 1,00,000/- as compensation, to the petitioner – workman, within a period of three months from today i.e. on or before 27.08.2024, failing which, respondent No.2 – Management (Sugar Mill)**



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. 28.05.2024. It will be open to the petitioner – workman to submit his claim before respondent No.3 - Liquidator, Joint Registrar, Cooperative Societies, Patiala, District Patiala.

It is, however, clarified that the aforesaid lump-sum amount of compensation is towards all the relief, as claimed by the petitioner – workman, through demand notice/claim statement. In other words, petitioner – workman would not be entitled for any other relief of any kind.

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

(SANJAY VASHISTH)
JUDGE

May 28, 2024

J.Ram

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

Whether Reportable: ✓ Yes/~~No~~