

CWP-2271-2014 (O&M) 1
and other connected cases.

2024-PHHC:118159



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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

1) CWP-2271-2014 (O&M)
Date of Decision:09.09.2024

M/S RAGHUVeer MACHINERY PRIVATE LIMITED
..... Petitioner

Versus

PRESIDING OFFICER INDUSTRIAL TRIBUNAL AND ANR
..... Respondents

2) CWP-2235-2014 (O&M)

M/S RAGHUVeer MACHINERY PRIVATE LIMITED
.....Petitioner

Versus

PRESIDING OFFICER INDUSTRIAL TRIBUNAL AND ANR
.....Respondents

3) CWP-2251-2014 (O&M)

M/S RAGHUVeer MACHINERY PRIVATE LIMITED
....Petitioner

Versus

PRESIDING OFFICER INDUSTRIAL TRIBUNAL AND ANR
....Respondents

4) CWP-2252-2014 (O&M)

M/S RAGHUVeer MACHINERY PVT LTD
.....Petitioner

Versus

THE PRESIDING OFFICER INDUSTRIAL TRIBUNAL & ANR
.....Respondents

5) CWP-2253-2014 (O&M)

M/S RAGHUVeer MACHINERY PRIVATE LIMITED
....Petitioner

Versus

PRESIDING OFFICER INDUSTRIAL TRIBUNAL AND ANR
....Respondents

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CWP-2254-2014 (O&M)

THE PRESIDING OFFICER INDUSTRIAL TRIBUNAL & ANR
....Respondents

CWP-2255-2014 (O&M)

THE PRESIDING OFFICER INDUSTRIAL TRIBUNAL & ANR
....Respondents

CWP-2256-2014

THE PRESIDING OFFICER INDUSTRIAL TRIBUNAL & ANR
....Respondents

CWP-2257-2014 (O&M)

THE PRESIDING OFFICER INDUSTRIAL TRIBUNAL &ANR
.....Respondents

CWP-2258-2014 (O&M)

THE PRESIDING OFFICER INDUSTRIAL TRIBUNAL & ANR
....Respondents

CWP-2259-2014 (O&M)

THE PRESIDING OFFICER INDUSTRIAL TRIBUNAL & ANR
.....Respondents

CWP-2271-2014 (O&M) 3
and other connected cases.

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12) CWP-2262-2014 (O&M)
M/S RAGHUVeer MACHINERY PRIVATE LIMITED ...Petitioner
Versus
PRESIDING OFFICER INDUSTRIAL TRIBUNAL AND ANR
....Respondents

13) CWP-2272-2014 (O&M)
RAGHUVeer MACHINERY PRIVATE LIMITEDPetitioner
Versus
PRESIDING OFFICER INDUSTRIAL TRIBUNAL & ANR
.....Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. P.K. Mutneja, Sr. Advocate with
Mr. V.S. Mahal, Advocate and
Ms. Suverna Mutneja, Advocate
for the petitioner(s).

Mr. Ashwani Bakshi, Advocate and
Mr. Harshit Kataria, Advocate
for respondent No.2.

JAGMOHAN BANSAL, J. (Oral)

1. By this common order CWP-2271-2014 (O&M), CWP-2235-2014 (O&M), CWP-2251-2014 (O&M), CWP-2252-2014 (O&M), CWP-2253-2014 (O&M), CWP-2254-2014 (O&M), CWP-2255-2014 (O&M), CWP-2256-2014, CWP-2257-2014 (O&M), CWP-2258-2014 (O&M), CWP-2259-2014 (O&M), CWP-2262-2014 (O&M) and CWP-2272-2014 (O&M) are disposed of since issues involved in the captioned petitions and prayer sought are common. With the consent of parties and for the sake of brevity, facts are borrowed from CWP-2271-2014 (O&M).

2. The petitioner through instant petition under Article 226 of the Constitution of India is seeking setting aside of Award dated



13.05.2013 (Annexure P-9) passed by respondent No.1 whereby Labour Court has answered the reference in favour of the workman.

3. The respondent No.2 joined petitioner as a Fitter on 07.12.1995. He was found guilty in an inquiry conducted by petitioner and accordingly dismissed from service. He served demand notice which culminated in proceedings before Labour Court. Both sides filed their stand and argued the matter. The Labour Court vide impugned award dated 13.05.2013 (Annexure P-9) answered the reference in favour of the workman. The workman was ordered to be reinstated with continuity of service and 25% back wages.

4. The workman was retrenched in 2001. The Labour Court passed award in 2013. Meaning thereby, a period of 23 years from the date of retrenchment and 11 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 not complied with Section 17-B of 1947 Act.

5. Mr. P.K. Mutneja, Sr. Advocate submits that petitioner was a manufacturing unit. It was engaged in the business of manufacturing of offset printing machines. It closed down its manufacturing activities w.e.f. 31.10.2016. An intimation in this regard was filed with labour authorities. The petitioner has paid back wages to all the workmen. As unit stands closed, question of reinstatement does not survive. Puran Chand- respondent No.2 (in CWP No.2254 of 2014) has passed away and he had attained age of superannuation on 01.02.2013. Similarly, Ved Kumar- respondent No.2 (in CWP No.2253 of 2014) attained age of



superannuation on 31.12.2003.

6. Mr. Ashwani Bakshi, Advocate submits that as per different invoices and electricity bills, the petitioner's manufacturing unit is operating and it cannot be called as a closed unit. The petitioner has paid back wages, however, opted not to comply with provisions of Section 17-B Industrial Disputes Act, 1947.

7. On being confronted with amount populated in the invoices as well as electricity bills produced by him, he expressed his inability to controvert that these documents do not disclose that unit is manufacturing whereas selling its left over stock.

8. In totality of the facts and circumstances, Mr. Ashwani Bakshi, Advocate submits that he leaves it to Court to determine amount of compensation.

9. 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 a workman who has been retrenched without complying with provisions of Section 25F of 1947 Act.

9. Keeping in mind afore-cited of judgments of Supreme Court and to put the litigation to rest, this Court considering the last drawn pay of the workmen; efflux of time; closure of manufacturing unit, payment

of back wages and non-compliance of Section 17-B of 1947 Act, deems it appropriate to direct the management to pay a sum of ₹2 lakh as lump sum payment to each workmen except Puran Chand and Ved Kumar.

10. All the workmen except Puran Chand- respondent No.2 (in CWP No.2254 of 2014) and Ved Kumar- respondent No.2 (in CWP No.2253 of 2014) shall be paid ₹2 lakh towards full and final compensation within 6 weeks from today. The period of 6 weeks would start from the date Mr. Ashwani Bakshi, Advocate submits bank details of workmen to Mr. P.K. Mutneja, Sr. Advocate. Puran Chand- respondent No.2 (in CWP No.2254 of 2014) and Ved Kumar- respondent No.2 (in CWP No.2253 of 2014) shall be paid ₹1 lakh.

11. Disposed of in above terms.

12. Pending misc. application(s), if any, shall also stand disposed of.

(JAGMOHAN BANSAL)
JUDGE

09.09.2024
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No