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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-17706-2017
DECIDED ON: 09.05.2024

PADAM SINGHPETITIONER

VERSUS

PRESIDING OFFICER, INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT – III, FARIDABAD AND OTHERS
.....RESPONDENTS

CWP-17988-2017

LAXMAN SINGHPETITIONER

VERSUS

PRESIDING OFFICER, INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT – III, FARIDABAD AND OTHERS
.....RESPONDENTS

CWP-29535-2017

HARYANA URBAN DEVELOPMENT AUTHORITY, AND
OTHERSPETITIONERS

VERSUS

PRESIDING OFFICER, INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT – III, FARIDABAD AND OTHERS
.....RESPONDENTS

CWP-29525-2017

HARYANA URBAN DEVELOPMENT AUTHORITY AND
OTHERSPETITIONERS

VERSUS

PRESIDING OFFICER, INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT – III, FARIDABAD AND OTHERS
.....RESPONDENTS



CWP-17990-2017

SUNDER

.....PETITIONER

VERSUS

**PRESIDING OFFICER, INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT – III, FARIDABAD AND OTHERS**

.....RESPONDENTS

CWP-29754-2017

**HARYANA URBAN DEVELOPMENT AUTHORITY AND
OTHERS**

.....PETITIONERS

VERSUS

**PRESIDING OFFICER, INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT – III, FARIDABAD AND OTHERS**

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH.

Present: Mr. Rahul Dev Singh, Advocate,
for the petitioner(s) (in CWP-29525-2017,
CWP-29535-2017 and CWP-29754-2017) and
for respondent Nos.2 to 4 (in CWP-17706-2017,
CWP-17988-2017 and CWP-17990-2017).

Ms. Abha Rathore, Advocate,
for the petitioner(s) (in CWP-17706-2017,
CWP-17988-2017 and CWP-17990-2017) and
for respondent No.2 (in CWP-29525-2017,
CWP-29535-2017 and CWP-29754-2017).

SANJAY VASHISTH, J (ORAL)

1. By this common order, following six writ petitions would
stand disposed of.

2. Out of the aforesaid six writ petitions, three have been filed
by the workman(s) for the purpose of modification of the award passed
by learned Industrial Tribunal-cum-Labour Court – III, Faridabad,
whereby, instead of reinstatement with continuity in service, a lump sum



amount of compensation in full and final settlement of their claims have been awarded to them.

3. Other three writ petitions have been filed by the Management (HUDA) against the findings recorded by learned Tribunal to the effect that there is violation of Section 25-F of the Industrial Disputes Act, 1947.

4. Details of the writ petitions filed by the workman(s) are as under:-

- 1) CWP-17706-2017 filed by workman – Padam Singh,
- 2) CWP-17988-2017 filed by workman – Laxman, and
- 3) CWP-17990-2017 filed by workman – Sunder

Details of the writ petitions filed by the Management (HUDA) are as under:-

- 1) CWP-29535-2017,
- 2) CWP-29525-2017, and
- 3) CWP-29754-2017

5. For the purpose of clarity, working period of all the three workmen namely Padam Singh, Sunder and Laxman, are as under:-

- i) Workman namely Padam Singh (petitioner in CWP-17706-2017), worked from February, 2002, to 22.11.2008 as a ‘Cleaner’ on Sewer Cleaning Machine and drew salary of Rs.5,000/- per month. Learned Labour Court awarded a lump sum amount of compensation of Rs.1,25,000/- to him.
- ii) Workman namely Sunder (petitioner in CWP-17990-2017), worked from January, 2008, to 02.07.2012, as a Sewer Cleaning Machine



Driver and drew a salary of Rs.7,200/- per month. Learned Labour Court awarded a lump sum amount of compensation of Rs.1,00,000/- to him.

iii) Similarly, workman namely Laxman (petitioner in CWP-17988-2017), worked as Sewer Cleaning Machine Driver from the month of January, 2002 to 22.11.2008, and drew a salary of Rs.7,000/- per month. Learned Labour Court awarded a lump sum amount of compensation of Rs.1,50,000/- to him.

6. Since, the Management is one i.e. Haryana Urban Development Authority (HUDA), now Haryana Shehri Vikas Pradhikaran (HSVP), and the dispute raised by all the three workmen who were working in the office of Haryana Urban Development Authority (HUDA), Sector – 12, Faridabad, is almost similar, the facts are being extracted from CWP-17706-2017 filed by workman namely Padam Singh.

7. Workman – Padam Singh pleaded that he was appointed as a ‘Cleaner’ on Sewer Cleaning Machine by HUDA (Management) in the month of February, 2002 in Sub-Division No.1, Haryana Urban Development Authority (HUDA), Faridabad, on the orders of Executing Engineer and he worked there under JE Sh. H.S. Jakhar for about one year, and thereafter, he was transferred in Sub Division No.3 in the year 2003, where he had been working continuously under Sub Divisional Engineer namely Sh. Gurvinder Singh and JE Sh. Mohinder Pal.

He prayed that his last drawn wages were Rs.5,000/- per month and he was removed from his services illegally on 22.11.2008,



despite rendering continuous services for 240 days in the preceding one year of his termination.

Workman – Padam Singh further pleaded that before his termination, neither any notice, notice pay nor retrenchment compensation etc. were given to him. Therefore, there was complete violation of Section 25-F of the Industrial Disputes Act, 1947.

He also pleaded that at his place, a new ‘Sewer Machine Cleaner’ was appointed and therefore, there is also violation of Sections 25-G and 25-H of the Industrial Disputes Act, 1947.

Thus, he prayed for reinstatement with continuity in service along with full back wages.

8. On the other hand, pleaded case of the Management (HUDA) was that Padam Singh (workman) was not engaged by it (HUDA) and therefore, there is no relationship of employer and employee between the parties.

Further pleaded that the workman – Padam Singh was neither appointed by the Management (HUDA), nor the salary was disbursed to him by HUDA, at any point of time.

Annual contract of maintenance and operation of Sewer Cleaning Machine was given to M/s Amtech Enviro Engineering Services, A-287, Govindpuram, Ghaziabad, and as per condition No.10 of the contract agreement, said service agency had to provide workmen to the Management (HUDA).

Further, termination of Padam Singh (workman) from the services on 22.11.2008 on verbal orders is also denied.



9. After completion of pleadings of the parties, four issues were framed by learned Labour Court, vide order dated 13.08.2013, which are reproduced here under:-

“1. Whether the termination of workman Padam Singh is justified or not, if not, the to what relief he is entitled to? OPW

2. Whether there exist no relationship of employee and employer between the parties? OPR

3. Whether the present reference is not maintainable in the present form. OPR

4. Relief.”

10. While deciding the industrial dispute raised by the workman – Padam Singh, under Reference No.315 of 2012, under Section 10 (1) (c) of the Industrial Disputes Act, 1947, learned Labour Court categorically held that workman was working with the Management as a ‘Cleaner’ on the said Sewer Cleaning Machine from the month of February, 2002 till 22.11.2008 and his abrupt removal from the services is in complete violation of Section 25-F of the Act.

Learned Labour Court observed that photocopies of the Log Books of Sewer Cleaning Machine bearing registration No.HR 38-E/2117 as Mark – A1 (running into pages 1-229) and Mark – B1 (running into pages 1-148) clearly reveals that Padam Singh (workman) had worked with the Management (HUDA), and before reaching to the said conclusion, learned Labour Court has already noticed that the said Log Books were duly certified by Sub Divisional Engineer of the Manaagement – HUDA and nobody had questioned the authenticity of the Log Books, at any stage.



Moreover, the stand taken by the Management (HUDA) has not been proved by way of substantial evidence.

One official namely Sobhan Singh, working as Assistant in the HUDA, Sub Division No.1, Faridabad, has placed on record the copies of AMCs as Ex.R-1 to Ex.R-4, for the period commencing from 10.11.2009, onwards. Said documentary evidence is of no use for deciding the industrial dispute because the relevant period during which the workman was working with the Management, is from February, 2002 to 22.11.2008.

Even, in the case of workman namely Sunder (petitioner in CWP-17990-2017), relevant service period is January, 2008 to July, 2012.

And in the case of workman namely Laxman (petitioner in CWP-17988-2017), relevant service period is January, 2002 to November, 2008.

11. Therefore, for the relevant period, no authentic documentary evidence has been placed on record by the Management (HUDA).

12. This Court even looks the issue from a different angle also, that if the defence taken by the HUDA-Management was true and correct, there was nothing to stop them to implead the said agency i.e. M/s Amtech Enviro Engineering Services, as party – respondent.

Even, no document regarding the licence authorizing such private agency to provide contractual workmen or even document of agreement etc. has been brought on record for the period concerned.



13. Therefore, this Court does not find any substance in the writ petitions filed by the Management (HUDA), rather, finds that the award passed by learned Labour Court is worth to be maintained.

14. Accordingly, writ petitions filed by the Management (HUDA) (CWP-29535-2017, CWP-29525-2017 and CWP-29754-2017) are hereby **dismissed**.

15. Now, taking up the writ petitions filed by the workman(s) i.e. CWP-17706-2017, CWP-17988-2017 and CWP-17990-2017, this Court has noticed that the dispute pertains to the period of more than 15 years back and no purpose would be served by ordering their reinstatement in service.

Probably, workman(s) may have crossed the age of superannuation also.

Therefore, it would be appropriate to enhance the one time lump sum amount of compensation from the amount whatever has been awarded by learned Labour Court.

16. For the said purpose, this Court is guided by judgment passed by this Court in the case of “**Smt. Saroj v. Presiding Officer, Industrial Tribunal-cum-Labour Court-I, Gurgaon and another**” (CWP No. 24563 of 2015, decided on 06.02.2024), and the relevant portion thereof is extracted as under:-

“9. *It is noticed very seriously that despite of taking service from December 2004 to June 2007, cleverly the respondent-management created the gap of one or two days, without any plausible/substantial reason.*

Thus, from the details given in Ex. R-1, it becomes clear that as per the stand taken by the respondent-management itself, the petitioner/work-woman worked from



22.12.2004 to 26.06.2007. Taking note of the said fact and other circumstances, this Court is of the view that it would be just and equitable, if the compensation amount is enhanced to some reasonable level.

10. *As a result of the aforementioned discussion/observation, the impugned award dated 18.09.2012 (Annexure P-2), passed by the Tribunal, is*

modified. Respondent No. 2-management is directed to pay the total compensation amount of Rs.2,00,000/- to the petitioner/work-woman. It is made clear that the said enhanced compensation amount of Rs.2,00,000/- would be inclusive of the compensation amount of Rs.30,000/-, as already ordered by the Tribunal. In other words, the petitioner/work-woman would be entitled to Rs.1,70,000/- over and above the amount of Rs.30,000/- awarded by the learned Tribunal.

However, the compensation amount enhanced by this Court shall be payable by respondent No. 2-management to the petitioner/work-woman, within a period of three months from today, and in case of default/non-compliance, respondent No. 2-management would also be liable to pay interest @ 6% per annum over the enhanced amount of Rs.1,70,000/-, with effect from 10.05.2024 till the date of actual payment.

11. *Before parting with the judgement, it is also made clear that the observation made by the Tribunal in regard to the payment of compensation amount of Rs.30,000/- and interest etc., is altogether independent finding and is not to be read in conjunction with the enhanced amount of compensation by this Court.”*

17. This Court is further guided by the Division Bench judgement of this Court (Punjab and Haryana High Court), rendered in the case of **Deputy General Manager (Telecom), Bharat Sanchar Nigam Limited, Sangrur v. Presiding Officer, Central Government Industrial Tribunal-cum-Labour Court-I, Chandigarh and another** (LPA No. 1334 of 2009, decided on 30.01.2014).

18. Therefore, considering the total length of the services rendered by Padam Singh (in CWP-17706-2017), Sunder (in CWP-17990-2017) and Laxman (in CWP-17988-2017), this Court deems it appropriate to award



lump sum amount of compensation of **Rs.4,00,000/- (Rupees Four Lacs Only to each of the workman)**, which would include the amount already awarded by learned Labour Court.

19. Therefore, while maintaining the award(s) under challenge before this Court in all the six writ petitions, same are modified to the extent of awarding of amount of compensation i.e. all the three workman would be entitled to receive lump sum amount of compensation of Rs.4,00,000/- (Rupees four lacs only), towards all the claims raised by them through their demand notice.

20. Respondent – Management (HUDA) is directed to pay the said compensation amount of Rs.4,00,000/- (Rupees Four lacs to each workman), within a period of three months from today i.e. on or before 12.08.2024.

21. In case, amount ordered by this Court is not deposited and informed to the workmen, within the stipulated period, Management – HUDA/HSVP would be liable to pay the amount along with **interest @ 6% p.a.**, from the date of decision passed by this Court.

22. Hence, award in the writ petitions filed by the workmen are modified by enhancing compensation amount.

23. Accordingly, all the six writ petitions stand disposed of.

24. A photocopy of this order be placed on the files of other connected cases.

(SANJAY VASHISTH)
JUDGE

09.05.2024
Lavisha

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