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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

1) CWP-28145-2013
Date of Decision:30.08.2024

KARTAR SINGH Petitioner

Versus

M/S ENGINEER & TECHNOLOGY EDUCATION PUNJAB &
ORS Respondents

2) CWP-28176-2013

PAWAN KUMAR SHARMAPetitioner

Versus

M/S ENGINEER & TECHNOLOGY EDUCATION PUNJAB &
ORSRespondents

3) CWP-28282-2013

JEET KAURPetitioner

Versus

M/S ENGINEER & TECHNOLOGY EDUCATION PUNJAB &
ORSRespondents

4) CWP-28459-2013

AMRIT KAURPetitioner

Versus

M/S ENGINEER & TECHNOLOGY EDUCATION PUNJAB &
ORS ...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Deepak Gupta, Advocate
for the petitioner(s).



Mr. D.S. Bhinder, Advocate for
Mr. S.S. Bhinder, Advocate
for respondent No.2.

JAGMOHAN BANSAL, J. (Oral)

1. By this common order CWP-28145-2013, CWP-28176-2013, CWP-28282-2013 and CWP-28459-2013 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-28145-2013.

2. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of award dated 21.08.2013 (Annexure P-6) whereby Labour Court has answered the reference against the workman.

3. The petitioner claims that he joined respondent in 1992 as Security Guard at monthly salary of Rs.1640/- and he was illegally terminated on 01.05.1999 without notice, charge-sheet, inquiry or compensation.

4. This is second round of litigation. In the first round of litigation, award dated 04.08.2010 (Annexure P-3) was passed in favour of the workmen, however, in the second round of litigation, the Labour Court by impugned award dated 21.08.2013 (Annexure P-6) has answered reference against the workmen. The impugned award was passed on the direction of this Court. In the earlier round, matter had reached to this Court by way of different writ petitions which were disposed of vide order dated 01.04.2013 (Annexure P-5).



5. Learned counsel for the petitioner submits that petitioners have already attained age of more than 60 years, thus, their grievance would be redressed, if a reasonable amount of compensation is awarded.

6. Learned counsel for respondent No.2 submits that he leaves to this Court to decide the amount of compensation.

7. The Labour Court has answered the reference against the workmen. The workmen were retrenched on 01.05.1999. The Labour Court passed award on 21.08.2013. Meaning thereby, a period of 25 years from the date of retrenchment and 11 years from the date of award has passed away.

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

9. Keeping in mind paras 50-52 of judgment of Supreme Court in *Central Council for Research in Ayurvedic Sciences and another v. Bikartan Das and others, 2023 SCC OnLine SC 996* and to put the litigation to rest, this Court considering that in the previous round of litigation award was passed in favour of the petitioners, however,



impugned award has been passed against the workman; the length of service and last drawn pay of the workman; efflux of time; change of circumstances, deems it appropriate to direct the management to pay a sum of ₹75,000/- as lump sum payment to each workman. Let the needful be done within 2 months from today.

10. Disposed of in above terms.

(JAGMOHAN BANSAL)
JUDGE

30.08.2024
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Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>