



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

110	CWP-16278-2024 Date of decision: 29.07.2024
ORIENT ELECTRIC LIMITED	...PETITIONER
Vs.	
MUNINDER KUMAR AND ANR	...RESPONDENTS
	CWP-16423-2024
ORIENT ELECTRIC LIMITED	...PETITIONER
V/S	
GANDARE SINGH AND ANR	...RESPONDENTS
	CWP-16563-2024 (O&M)
ORIENT ELECTRIC LIMITED	...PETITIONER
V/S	
KAR SINGH AND ANR	...RESPONDENTS
	CWP-16564-2024 (O&M)
ORIENTAL ELECTRIC LIMITED	...PETITIONER
V/S	
NAGENDERA SINGH AND ANOTHER	...RESPONDENTS
	CWP-16565-2024 (O&M)
ORIENT ELECTRIC LIMITED	...PETITIONER
V/S	
HARISH CHAADRA AND ANOTHER	...RESPONDENTS
	CWP-16581-2024 (O&M)
ORIENT ELECTRIC LIMITED	...PETITIONER
V/S	
PRABHAT MISHRA AND ANR	...RESPONDENTS



	CWP-16585-2024 (O&M)
ORIENT ELECTRIC LIMITED	PETITIONER
V/S	
HANUMAN PARSAD AND ANOTHER	...RESPONDENTS
	CWP-16587-2024 (O&M)
ORIENT ELECTRIC LIMITED	PETITIONER
V/S	
UMESH SINGH AND ANR	...RESPONDENTS
	CWP-16589-2024 (O&M)
ORIENT ELECTRIC LIMITED	PETITIONER
V/S	
SHYAM LAL YADAV AND ANOTHER	...RESPONDENTS
	CWP-16593-2024 (O&M)
ORIENT ELECTRIC LIMITED	PETITIONER
V/S	
ANILESH KUMAR PANDEY AND ANOTHER	...RESPONDENTS
	CWP-16599-2024 (O&M)
ORIENT ELECTRIC LIMITED	PETITIONER
V/S	
DEVENDER RAI AND ANR	...RESPONDENTS
	CWP-16605-2024 (O&M)
ORIENT ELECTRIC LTD.	PETITIONER
V/S	
AKHILESH PANDEY AND ANR	...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Harsh Aggarwal, Advocate
for the petitioner (in all cases).

Mr. Shiv Kumar, Advocate
for respondent No. 1 (in all cases).



JAGMOHAN BANSAL, J (ORAL)

1. By this common order CWP-16278-2024, CWP-16423-2024, CWP-16563-2024 (O&M), CWP-16564-2024 (O&M), CWP-16565-2024 (O&M), CWP-16581-2024 (O&M), CWP-16585-2024 (O&M), CWP-16587-2024 (O&M), CWP-16589-2024 (O&M), CWP-16593-2024 (O&M), CWP-16599-2024 (O&M) and CWP-16605-2024 (O&M) are being disposed of since issues involved in all the petitions and prayer sought therein are common. With the consent of parties and for the sake of brevity, facts are borrowed from CWP-16278-2024.

2. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of award dated 27.03.2024 (Annexure P-1) whereby Presiding Officer, Industrial Tribunal-cum-Labour Court-III, Faridabad has answered reference in favour of respondent-workman.

3. The brief facts of the case are that petitioner-company is engaged in the business of manufacture of electric goods including CFL items and Fans. On account of absence of demand of CFL products manufactured by petitioner, it decided to close down its division manufacturing said product. The management decided to manufacture fans instead of CFL. The petitioner transferred its workers from Faridabad Unit to other units who approached Labour Court by way of reference in terms of Section 10 of Industrial Disputes Act, 1947 (for short '1947 Act). The Industrial Tribunal considering the fact that workers have approached labour authorities as well as Court prior to transfer orders, thus, there was lapse on the part of management and workers need to be reinstated with backwages. The Tribunal considering the facts and circumstances has granted 50% of backwages.



4. Mr. Harsh Aggarwal, Advocate submits that management has decided to re-appoint all the workers at Faridabad Units and no worker would be placed in units located outside the Faridabad. He further submits that amount of backwages awarded by Tribunal is on the higher side especially when workers have not worked and management was asking them to work.

5. Notice of motion.

6. Mr. Shiv Kumar, Advocate, who on advance notice is present in Court, accepts notice on behalf of all the private respondents and waives service.

7. With the consent of both sides, the present petition is taken up for final disposal.

8. Mr. Shiv Kumar, Advocate submits that amount of backwages awarded by Tribunal is not on higher side because there was lapse on the part of management. The Tribunal has recorded categoric findings to the fact that there was lapse on the part of management. The transfer orders were contrary to 1947 Act.

9. I have heard the arguments of learned counsel for the parties and have perused the record.

10. Counsel for the parties are *ad idem* that dispute *qua* posting of workmen would stand resolved as soon as workers are posted within District Faridabad. The dispute is confined to quantum of compensation.

11. Considering the amount involved, period involved, fact that workers during the termination period because of one or another reason had not worked, management has agreed to reinstate them at Faridabad and submissions of both sides, this Court finds it appropriate to direct management to pay a sum



of Rs. 3.75 lakh to each worker within 4 months from today, failing which the said amount will carry interest @ 9% per annum from today. The findings qua continuity of service recorded by the tribunal are not disturbed and respondents-workers would be reinstated within one month from today.

12. Disposed of accordingly.
13. Pending miscellaneous application(s), if any, shall also stand disposed of.

29.07.2024
manoj

[JAGMOHAN BANSAL]
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No