

CWP-27447-2016
and connected cases.



206 (28)

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-27447-2016
Date of decision: 22.11.2024

SURESH KUMARPETITIONER

Vs.

THE PRESIDING OFFICER LABOUR COURT & ANR
.....RESPONDENTS

Sr. Nos.	Case Nos.	Name of parties
2.	CWP-27448-2016	JASBIR SINGH V/S THE PRESIDING OFFICER LABOUR COURT & ANR
3.	CWP-27449-2016	ASLAM V/S THE PRESIDING OFFICER LABOUR COURT & ANR
4.	CWP-27450-2016	JASBIR SINGH RATHEE V/S THE PRESIDING OFFICER LABOUR COURT AND ANR
5.	CWP-27451-2016	AJAIB SINGH V/S THE PRESIDING OFFICER LABOUR COURT AND ANR
6.	CWP-27452-2016	HARBANS SINGH V/S THE PRESIDING OFFICER LABOUR COURT AND ANR
7.	CWP-27453-2016	BALWINDER SINGH V/S THE PRESIDING OFFICER LABOUR COURT AND ANR
8.	CWP-27454-2016	DALJIT SINGH V/S THE PRESIDING OFFICER LABOUR COURT AND ANR
9.	CWP-27455-2016	BALRAJ SINGH V/S THE PRESIDING OFFICER LABOUR COURT AND ANR
10.	CWP-27456-2016	GURMAIL SINGH V/S THE PRESIDING OFFICER LABOUR COURT AND ANR
11.	CWP-27457-2016	SUKHBIR SINGH V/S THE PRESIDING OFFICER, LABOUR COURT & ANR.
12.	CWP-27458-2016	PARKASH CHAND V/S THE PRESIDING OFFICER, LABOUR COURT & ANR.
13.	CWP-27459-2016	SOM NATH V/S THE PRESIDING OFFICER, LABOUR COURT & ANR.
14.	CWP-27460-2016	KRISHAN LAL V/S THE PRESIDING OFFICER, LABOUR COURT & ANR.
15.	CWP-27461-2016	YASH PAUL V/S THE PRESIDING OFFICER, LABOUR COURT & ANR.
16.	CWP-27462-2016	KULDEEP SINGH V/S THE PRESIDING OFFICER LABOUR COURT & ANR.
17.	CWP-27463-2016	SARAB SINGH V/S THE PRESIDING OFFICER LABOUR COURT & ANR.
18.	CWP-27464-2016	MALKIT SINGH V/S THE PRESIDING OFFICER LABOUR COURT & ANR
19.	CWP-27465-2016	SANJAY KUMAR V/S THE PRESIDING OFFICER, LABOUR COURT & ANR
20.	CWP-27466-2016	LABH SINGH V/S THE PRESIDING OFFICER, LABOUR COURT & ANR
21.	CWP-27467-2016	RAM NATH V/S THE PRESIDING OFFICER, LABOUR COURT & ANR
22.	CWP-27468-2016	NEK RAJ V/S THE PRESIDING OFFICER,



		LABOUR COURT & ANR
23.	CWP-27469-2016	RAM SINGH V/S THE PRESIDING OFFICER, LABOUR COURT & ANR
24.	CWP-9507-2017	HARJEET KAUR AND ANR V/S THE PRESIDING OFFICER, LABOUR COURT & ANR
25.	CWP-9508-2017	SANTOSH KUMARI AND ORS V/S THE PRESIDING OFFICER, LABOUR COURT & ANR
26.	CWP-9509-2017	SUSHMA RANI AND ANR V/S THE PRESIDING OFFICER LABOUR COURT & ANR
27.	CWP-9510-2017	KASHMIRI LAL V/S THE PRESIDING OFFICER,LABOUR COURT & ANR
28.	CWP-9511-2017	RANBIR SINGH V/S THE PRESIDING OFFICER, LABOUR COURT & ANR

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Jasmeet Singh Bedi, Advocate
for the petitioner(s).

Mr. Inderpal Singh, Advocate
for respondent No.2.

JAGMOHAN BANSAL, J. (Oral)

1. By this common order, the above-noted petitions are hereby adjudicated as issues involved and prayer sought in all the petitions are common. For the sake of convenience and with the consent of parties, the facts are borrowed from CWP-27447-2016.
2. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of Award dated 04.12.2009 (Annexure P-3) whereby Labour Court has answered the reference against him.
3. On 08.12.1996, petitioner joined respondent No.2 as Water man. A dispute erupted between workers and Management. The Union protested against the Management which led to closure of doors for the protesting workers. A settlement was arrived at between the parties. Nevertheless, the petitioner came to be terminated. The matter came up



for consideration before Labour Court which vide Award dated 23.02.2007 rejected claim of the petitioner. The Award dated 23.02.2007 came to be set aside by this Court vide order dated 01.05.2008 passed in ***CWP No.2736 of 2008*** titled as '***Suresh Kumar Vs. Presiding Officer, Labour Court Ambala and another***'. The matter was remanded back to Labour Court to pass afresh order. The Labour Court again vide impugned Award dated 04.12.2009 rejected claim of the petitioner.

4. It was not the petitioner alone who was contesting against Management whereas there were a number of workers who were before the Labour Court. Many workers after passing of Award by Labour Court approached this Court. This Court by order dated 28.10.2015 adjudicated a bunch of 24 writ petitions. The Court did not order to reinstate the workers, however, ordered the Management to pay a sum of Rs.10 lakh to each worker. The Management preferred Intra Court Appeal which came to be dismissed vide order dated 17.10.2016 by a Division Bench of this Court.

5. The petitioner after dismissal of aforesaid Intra Court Appeal preferred instant petition before this Court. The petitioner is claiming same relief as was granted by this Court vide order dated 28.10.2015 to similarly situated workers.

6. Mr. Inderpal Singh, Advocate for respondent No.2 does not dispute the fact that case of the petitioner is squarely covered by judgment dated 28.10.2015 passed by this Court, however, submits that petitioner is a fence sitter and it is a settled proposition of law that a fence sitter cannot be granted relief as granted to similarly situated litigants.

The petitioner is indubitably similarly situated, however, he has



approached this Court after the expiry of more than 6 years even from the date of publication of Award.

7. On the asking of Court, Mr. Inderpal Singh, Advocate sought instructions from Management and submitted that Management is ready and willing to pay a sum of Rs.6.5 lakh to each workman instead of Rs.10 lakh as awarded by this Court to other workers.

8. Mr. Jasmeet Singh Bedi, Advocate agrees to offer made by Management.

9. In view of statement of both sides, all the petitions stand disposed of with a direction to respondent to pay a sum of Rs.6.5 lakh to each workman within 4 months from today. If the respondent fails to pay aforesaid amount within 4 months, it would be liable to pay interest @ 6% per annum.

(JAGMOHAN BANSAL)
JUDGE

22.11.2024
Ali

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