

Neutral Citation No: 2024.PHHC.070494



CWP-25324-2017 and other connected cases 1

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH
CWP-25324-2017

218

UTTAR HARYANA BIJLI VITRAN NIGAM LTD. AND ANR
.... Petitioners
Versus
KASHMIRI LAL AND ANR
....Respondents

219
CWP-25472 of 2017
UTTAR HARYANA BIJLI VITRAN NIGAM LTD. AND ANR
.... Petitioners
Versus
JAGDISH CHAND AND ANR
....Respondents

220
CWP-25620 of 2017
UTTAR HARYANA BIJLI VITRAN NIGAM LTD. AND ANR
.... Petitioners
Versus
DARSHAN LAL AND ANR
....Respondents

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CWP-25897 of 2017
UTTAR HARYANA BIJLI VITRAN NIGAM LTD. AND ANR
.... Petitioners
Versus
MANI SINGH AND ANR
....Respondents

Decided on:18.05.2024

CORAM:HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Bhupinder Singh, Advocate for
Mr. G.S. Madaan, Advocate for the petitioners.

Ms. Nikita Goel, Advocate
for the petitioner (in CWP-25620-2017)

Mr. Neeraj Goel, Advocate for respondent No.1.

Mr. Satish Singla, AAG, Haryana.



SANJAY VASHISTH, J.(Oral)

1. Mr. Bhupinder Singh, Advocate, appearing on behalf of the petitioner(s)-UHBVN, submits that pertaining to the same award dated 25.01.2017, passed by the Industrial Tribunal-cum-Labour Court, Ambala, arising from Reference No. R/45/2016, this Court has already decided one **CWP-24372-2017**, vide its order dated 02.05.2024.

2. Learned counsel for the petitioner produces the copy of the order dated 02.05.2024 passed in CWP-24372-2017 in the Court today. Same is taken on record. Registry is directed to tag the same at appropriate place with the paper-book. Learned counsel for the petitioner further submits that all the four present writ petitions, can also be disposed of in the same terms.

3. Further submits that after noticing of the observations made by learned Labour Court in paragraph No. 12 and 13 of the award, additionally also, this Court also made certain observations in paragraph Nos. 6 and 7 while deciding CWP-24372-2017, which reads as under:

“6. Undoubtedly, the impugned award is primarily based upon the violation of Section 25-G and 25-H of the Act of 1947 and there is no answer with the Management as to how it can come out of the facts which are well established and proved on the record as it is settled proposition of law that the senior cannot be placed at an inferior status without any substance, as it may cause a lot of humiliation to the senior employee. Three of the employees/workmen, who are discussed in the award are already found to be junior, therefore, on this score alone, I do not find any illegality in the



impugned award which is otherwise also based on the judicial pronouncements.

7. *Otherwise also, there is another aspect which requires consideration that the Management has acted totally in arbitrary manner, which has resulted into the termination of service of the workman-Faquir Chand, who remained out of service for about 38 years. In the judgment, titled as, **'Jeetubha Khansangji Jadeja Vs. Kutchh District Panchayat', 2022 (4) S.C.T. 211, Law Finder Doc Id #2039067**, Hon'ble Supreme Court held that where the termination is not because of any fault of workman and lot of humiliation has been suffered by him because of being out of service, the Management must be made to understand and realize the pain and agony suffered by the workman.*

The relevant paragraph No.14 of the said judgment is reproduced herebelow:

"14. In the present case, this court finds no perversity or unreasonableness on the part of the Labour Court and the single judge in directing the appellant's reinstatement. Had the respondent management chosen to accept the verdict, the appellant would have been spared the agony of waiting for more than 10 years. In such circumstances, the denial of back wages, has resulted in punishing him, although the delay is attributable to the judicial process. However, the respondent management cannot be absolved of the primary responsibility in its litigative proclivity. In these circumstances, the appellant shall be entitled to backwages for a period of two years immediately preceding, i.e., from 01.01.2020 to 01.01.2022"

*The said judgment has already been followed by this Court in CWP No.17272 of 2017, titled as **'Hari Chand Vs. Presiding Officer, Labour Court-I, Faridabad and another'**."*

4. In view of the statement made by learned counsel for the petitioner-Management, present four writ petition(s) are hereby dismissed in

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the same terms as passed in CWP-24372-2017, titled as “Uttar Haryana Bijli Vitran Nigam Ltd. and Anr Vs. Faquir Chand and another”.

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

18.05.2024
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[SANJAY VASHISTH]
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable?	Yes/No