



In the High Court of Punjab and Haryana, at Chandigarh

1. Letters Patent Appeal No. 2117 of 2024 (O&M)
M/s J.K.M. Overseas
... Appellant(s)

Versus

J.S.Shekhawat and Others
... Respondent(s)

2. Letters Patent Appeal No. 2120 of 2024 (O&M)
M/s J.K.M. Overseas
... Appellant(s)

Versus

Dinesh Kumar and Others
... Respondent(s)

3. Letters Patent Appeal No. 2123 of 2024 (O&M)
M/s J.K.M. Overseas
... Appellant(s)

Versus

Giri Raj alias Girij Singh and Others
... Respondent(s)

AND

4. Letters Patent Appeal No. 2126 of 2024 (O&M)
M/s J.K.M. Overseas
... Appellant(s)

Versus

Fateh Singh and Others
... Respondent(s)

DATE OF DECISION: 22.10.2024

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Sr. No.	Case No.	Case Title	Reference No. before Labour Court.	Appointed as	Date of appointment	Date of Termination	Date of Award
1	CWP-24543 of 2017	M/s J.K.M. Overseas Pvt.	213 of 2004	'Tailor'	25.11.2001	15.10.2003	17.10.2017

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	2018	Ltd v. J.S.Shekhawat and Others					
2.	CWP-24915 of 2018	M/s J.K.M. Overseas Pvt. Ltd v. Dinesh Kumar and Others	216 of 2004	‘Tailor’	16.03.2002	15.10.2003	17.10.2017
3.	CWP-24916 of 208	M/s J.K.M. Overseas Pvt. Ltd v. Giri Raj Singh @ Girij Singh and Others	231 of 2004	‘Tailor’	17.06.2002	15.10.2003	17.10.2017
4.	CWP-24917 of 2018	M/s J.K.M. Overseas Pvt. Ltd v. Fateh Singh and Others	223 of 2004	‘Tailor’	26.05.2002	15.10.2003	17.10.2017

2.3 There is no dispute between the learned counsel representing the parties that the services of the workmen were dispensed with on 15.10.2003 and not on 15.10.2004 as wrongly noted by the learned Single Judge and the workmen have not been paid the last drawn salary as envisaged under Section 17-B of the Industrial Disputes Act, 1947 (hereinafter referred to as “the 1947 Act”) after the date of the award passed by the LC on 17.10.2017 during the pendency of the writ petition which remained pending for nearly 5½ years.

3. **Discussion and Analysis**

3.1 Though the learned counsel representing the appellant has initially challenged the award, however, his attention was drawn to the finding of facts arrived at by the LC which were affirmed by the learned Single Judge with respect to the contractor’s license was relating to the work of loading, unloading, housekeeping, horticulture and security only. The learned counsel then gave up his challenge to the correctness of award on

merits. However, he submitted that while calculating the compensation there



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is an error in the order, which is not disputed. From the tabulated compilation, it is evident that J.S.Shekhawat worked for the period of 23 months, whereas the remaining workmen worked for nearly 18 months. Their last drawn salary was on an average of ₹3,000/- per month. From the date of the LC's award, the matter remained pending before the learned Single Judge for a period of 67 months. Keeping in view the last drawn salary under Section 17-B of the 1947 Act the total of wages would be somewhere around ₹2,00,000/- to ₹2,25,000/-. The management's counsel has submitted that he is prepared to pay appropriate compensation to the workmen towards full and final settlement. The learned counsel representing the workmen do not dispute, however, submit that the workmen should be awarded the compensation of ₹4,00,000/- each including the arrears of the payment under Section 17-B of the 1947 Act. One of the workmen, namely Fateh Singh is stated to have died.

4. Decision

4.1 Keeping in view the aforesaid facts, this Court is of the considered view that the ends of justice would be met if each of the workman is held entitled to ₹3,50,000/- each. This amount has been calculated by including the amount of salary which the workmen were entitled to under Section 17-B of the 1947 Act. The amount to the legal heirs of the workman, namely Fateh Singh shall be paid after verifying about his legal representatives. The amount be released to the workmen/legal representatives within a period of one month.



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4.2 With the observations made above, all the appeals are disposed of. The miscellaneous application(s) pending, if any, in all the four appeals, shall also stand disposed of.

(Anil Kshetarpal)
Judge

(Sheel Nagu)
Chief Justice

October 22, 2024
“DK”

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No