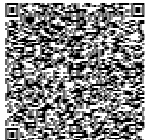


CWP- 7973 of 2014 (O&M) and
Other connected matters

1

2024:PHHC:114589



**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

215 (04 cases)

CWP- 7973 of 2014 (O&M)
Date of Decision : 03.09.2024

HARBHAJAN SINGH PETITIONER

V/S

PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, PATIALA & ORS

.... RESPONDENTS

2. CWP-7977-2014 (O&M)

SUBHASH CHAND PETITIONER

V/S

PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, PATIALA & ORS

.... RESPONDENTS

3. CWP-7982-2014 (O&M)

SURJIT LAL PETITIONER

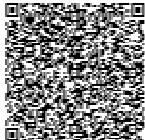
V/S

PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, PATIALA & ORS

.... RESPONDENTS

CWP- 7973 of 2014 (O&M) and
Other connected matters 2

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4. CWP-7992-2014 (O&M)
SHAM LAL PETITIONER

V/S

PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, PATIALA & ORS
.... RESPONDENTS

CORAM : HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. J.S.Maanipur, Advocate
Mr. Jasbir Singh, Advocate
Mr. Joy Preet Meelu, Advocate
Ms. Chandrika, Advocate
for the petitioner(s).

Mr. Arun Nehra, Advocate and
Mr. Sant Kashyap, Advocate
for respondent No. 2.

Mr. Nagesh Paul, Advocate and
Mr. Suvir Kumar, Advocate
for respondent No.4.

Mr. Arav Gupta, Advocate
for the Official Liquidator.

JAGMOHAN BANSAL, J. (Oral)

1. By this common order, CWP- 7973 of 2014, CWP- 7977 of 2014, CWP- 7982 of 2014 and CWP- 7992 of 201 are disposed of as issues involved and prayer sought in all the petitions are common. For the

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sake of convenience and with the consent of parties, the facts are borrowed from CWP- 7973 of 2014.

2. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking modification of award dated 20.08.2013 (Annexure P-4) whereby Labour Court in lieu of reinstatement has awarded lump sum compensation of Rs.1 lakh.

3. The petitioner concededly served respondent No.3-M/s Punjab National Fertilizers & Chemicals Ltd. from January' 1983 to July' 2001. He was retrenched without compliance of provisions of Section 25-F of Industrial Disputes Act. On his application, the matter was referred to Labour Court which by impugned order has ordered to pay lump sum compensation of Rs.1 lakh in lieu of reinstatement.

4. Mr. Arav Gupta, Advocate representing Official Liquidator submits that respondent No.3 has already been ordered to be wound up by Company Court. The Official Liquidator was appointed in 2001 and he took over all the assets of the company. Except one piece of land, all other assets have already been liquidated. There were 219 workers who had lodged their claim. The Official Liquidator has partially discharged their claims and remaining claims would be discharged as soon as left over property is liquidated.

With respect to prayer of petitioner to enhance amount of compensation, he submits that this Court in the case of another worker namely Narinder Kumar vide order dated 23.08.2024 in CWP No.7970 of 2014 considering the fact that the company has already been wound up,

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upheld award of Labour Court granting lump sum compensation of Rs.1 lakh.

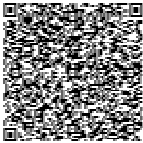
5. Mr. J.S.Maaniipur, Advocate submits that Narinder Kumar had 03 years' service in his credit and he was getting salary Rs.4859/- per month whereas petitioner in CWP-7973 of 2014 at the time of retrenchment had service of 18 years in his credit. Subhash Chand (CWP-7977-2014) had service of 17 years in his credit, Surjit Lal (CWP-7982-2014) had already completed 17 years' service. Similarly, Sham Lal (CWP-7992-2014) had already completed 18 years of service. All the petitioners were getting salary more than Rs.8,000/-, thus, they could not be treated at par with Narinder Kumar. The Labour Court has tarred all the workers with same brush.

6. Faced with this, Mr. Arav Gupta, Advocate does not dispute the fact that the petitioners herein at the time of retrenchment had already completed more than 17 years' service and they were getting salary more than Rs.8,000/- per month.

7. Considering the length of service, last drawn salary and amount awarded to Narinder Kumar, a co-worker, this Court finds it appropriate to enhance the amount compensation from Rs.1 lakh to Rs.2 lakhs qua each petitioner. They would be at liberty to lodge their claim before Official Liquidator who would decide their claim in accordance with the provisions of Companies Act, 1956.

8. Disposed of.

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9. Pending miscellaneous application (s), if any, shall also stand disposed of.

(JAGMOHAN BANSAL)
JUDGE

03.09.2024
anju

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