



CWP-7436-2016 (O&M) 1

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

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CWP-7436-2016 (O&M)
Date of Decision : 31.08.2024

SATBIR SINGH

.... PETITIONER

V/S

PRESIDING OFFICER, INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT, PANIPAT & ANOTHER

.... RESPONDENTS

CORAM : HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr.Neeraj Tyagi, Advocate for
Mr. Naveen Daryal, Advocate
for the petitioner.

Ms. Harsh Rekha Kapoor, AAG, Haryana.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking modification of award dated 15.07.2015 (Annexure P-6) whereby Labour Court has awarded lumpsum compensation of Rs.1 lakh.

2. The petitioner-workman during the pendency of present petition has passed away and his LRs are on record who are pursuing the matter. As the workman has passed away, there is no question of reinstatement. The workman was primarily claiming reinstatement, thus, his prayer has rendered infructuous.



3. In *Senior Superintendent Telegraph (Traffic), Bhopal vs. Santosh Kumar Seal and others*, (2010) 6 SCC 773, *Hari Nandan Prasad and another vs. Employer I/R to Management of Food Corporation of India and another*, (2014) 7 SCC 190, *District Development Officer and another vs. Satish Kantilal Amrelia*, (2018) 12 SCC 298, *State of Uttarakhand and another vs. Raj Kumar* (2019) 14 SCC 353 and *Ranbir Singh vs. Executive Engineer PWD* (2021) 14 SCC 815 Supreme Court has held that it is neither mandatory nor automatic to reinstate workman who has been retrenched without complying with provisions of Section 25F of 1947 Act. He may be granted compensation.

4. The Labour Court considering the length of service as well as other factors has awarded lump sum compensation of Rs.1 lakh. The relevant extracts of award dated 15.07.2015 are reproduced as below :

“23. It is proved on record that the workman had worked with the respondent for a long time and had completed of about seven years of service which was admitted by the respondent. Hence, the workman is very much entitled to the relief against the respondent. Keeping in view the entire circumstances, the court is of the considered opinion that ends of justice would meet it instead of passing an award of reinstatement in services to the workman with full back wages with continuity of service, the workman is entitled to be paid a lump sum compensation of Rs 100000/- (Rs. One Lac only) to be paid to the workman by the management. However, the workman shall be paid the said amount from the respondent within three months from the date of publication of the Award failing



which the management will be liable to pay simple interest @ 6% per annum. Hence, issue No.1 is decided accordingly.

x x x x

25. *In view of the findings recorded on the above issues, I hold that the workman is entitled for compensation of Rs. 100000/- (Rs. One Lac only) to be paid to the workman by the management within three months from the date of publication of the Award, failing which, the management will be liable to pay interest @ 6% per annum. Hence, this reference is accordingly answered in favour of the workman.”*

5. This Court does not find any jurisdictional error or manifest illegality or infirmity in the impugned award, warranting interference. The lumpsum compensation awarded seems to be just and fair.

6. Dismissed.

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

(JAGMOHAN BANSAL)
JUDGE

31.08.2024
anju

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