



IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Date of Decision: 13.08.2024

1. Letters Patent Appeal No. 1899 of 2024 (O&M)

Rajiv KumarAppellant

versus

Municipal Council, Jalalabad and anotherRespondents

2. Letters Patent Appeal No. 1900 of 2024 (O&M)

Sukhchain SinghAppellant

versus

Municipal Council, Jalalabad and anotherRespondents

CORAM: HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE
HON'BLE MR. JUSTICE ANIL KSHETARPAL, JUDGE

Present : Mr. C.M.Munjal, Advocate, for the appellant.

SHEEL NAGU, CHIEF JUSTICE (Oral)

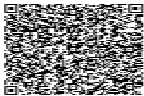
CM No. 4498-LPA-2024 in LPA No. 1899 of 2024

For the reasons mentioned in the application, delay of 56 days in filing the appeal is condoned. Application stands disposed of.

LPA Nos. 1899-2024 and 1900-2024 (O&M)

1. Both these appeals are taken up together as the common question of law and facts are involved therein. For brevity the facts are borrowed from LPA No. 1899 of 2024.

2. Challenge herein is to the order 06.05.2024 passed by the learned Single Judge allowing the petition filed by appellants by setting-aside the award passed by Labour Court. The Labour Court had dismissed the reference as regards termination of the appellants-workmen.



3. The learned Single Judge while setting aside the award passed by the Labour Court held that the appellants-workmen were entitled to reinstatement with 50% back wages but instead adopted the alternative course of compensation in lieu of reinstatement on the ground that work of pump operator is now being outsourced by the management.
4. In our considered opinion, another factor which must have weighed in the mind of the learned Single Judge to adopt the alternative course of compensation in lieu of reinstatement was the fact that workmen had worked only for one year and two months with the management.
5. In view of the decision rendered by the Apex Court in *Bharat Sanchar Nigam Ltd. vs. Bhurumal (2014) 7 SCC 177*, this Court does not find any perversity or illegality in the order passed by the learned Single Judge which is accordingly upheld and both the appeals stand dismissed. Pending applications, if any, also stand disposed of.

(SHEEL NAGU)
CHIEF JUSTICE

(ANIL KSHETARPAL)
JUDGE

13.08.2024

ravinder

Whether speaking/reasoned	√Yes/No
Whether reportable	Yes/No√