



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

217

CWP-4153-2018
Date of Decision:30.05.2024

UTTAR HARYANA BIJLI VITRAN NIGAM LTD.

.... Petitioner

Versus

RAM BHAWAN AND ANR

.... Respondents

CORAM:HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Pawan Kumar Longia, Advocate for the petitioner.

Mr. A.S. Syan, Advocate
for respondent No.1.

SANJAY VASHISTH, J.(Oral)

1. By filing the instant writ petition, petitioner-Uttar Haryana Bijli Vitran Nigam Ltd, has challenged the award dated 18.10.2017(Annexure P-3), whereby reference No.93 of 2016, filed under Section 10(1) (c) of the Industrial Disputes Act, 1947 (for short, the Act of 1947') has been answered in favour of the workman.

Learned Labour Cour held that the termination of respondent No.1-workman is bad in law and therefore, ordered for reinstatement in service with its continuity alongwith 50 % back wages.

2. Pleaded and admitted case of both the sides was that, workman was appointed as Lower Divisional Clerk (LDC) on



22.10.2008 with the petitioner-Management and he was terminated w.e.f. 30.09.2015. At the time of termination of the workman from services, he was drawing the monthly salary of Rs.9,047/-. On raising the industrial dispute, the award was pronounced on 18.10.2017 and immediately, thereafter, the workman was taken back in service in compliance to the award.

3. Learned counsel for the petitioner-Management informs the Court that since the date of passing of the award, workman was continued in service and only issue requiring its adjudication is qua the entitlement of the workman qua the awarded 50% backwages.

4. On being informed by the counsel, it is noticed that the workman remained out of service for about 24 months. Further the petitioner-Management, which is government organization, has shown its positive and good gesture by taking the workman back in service, thus, avoiding future litigation between the parties.

5. This Court deems it appropriate to award a lump sum amount of compensation in lieu of 50% back wages as already awarded by learned Labour Court. After making necessary calculations, both the counsel for the parties inform that the arrears of back wages would come around Rs.1,10,000/- only and therefore, there would not be any grouse left with the workman, if a lump sum amount of compensation is awarded by this Court.

6. Taking note of all the facts and circumstances and after going through the record, this Court is of the view that instead of



payment of 50% back wages as awarded by learned Labour Court, a lump sum amount of compensation of Rs.1,00,000/- (one lac only) be awarded to the workman.

However, it is clarified that apart from the entitlement qua the back wages as modified by this Court, rest of the award passed by learned Labour Court shall remain intact.

7. Therefore, Management is directed to pay a lump sum amount of compensation of Rs.1,00,000/- (one lac only) to the workman, towards all the claims raised by them, within a period of three months from date of this order i.e. on or before 30.08.2024, failing which, **Management would be liable to pay the lump-sum amount of compensation along with interest @ 6% per annum, from the date of passing of this order i.e. 30.05.2024.**

With the aforementioned modifications and terms recorded herein, present writ petition stands disposed of.

May 30, 2024
rashmi

**[SANJAY VASHISTH]
JUDGE**

Whether speaking/reasoned
Whether reportable?

yes/no
yes/no