



**208 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**LPA-1782-2018(O&M)
Date of decision: 12.09.2024**

Nathu Ram

...Appellant

Vs.

Presiding Officer, Labour Court and another

...Respondents

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

**Present: Mr. J.K. Khetarpal, Advocate
for the appellant.**

**Mr. Suman Jain, Addl. Standing Counsel.
Mr. Ankit Midha, Junior Panel Counsel
for respondent No.2-U.T. Chandigarh.**

SHEEL NAGU, CHIEF JUSTICE, (ORAL)

1. The present intra Court appeal assails order dated 09.08.2018 passed by the learned Single Judge, by which writ petition was dismissed thereby upholding award of Labour Court passed on 13.08.2009 (Annexure P.12) to the extent that it directed compensation of Rs.1 lakh in lieu of reinstatement, after holding that appellant's termination was in violation of Section 25-F of the Industrial Disputes Act, 1947 (hereinafter referred to as 'the 1947 Act')

2. It is pertinent to point out that the workman who was initially engaged on 11.10.1991, challenged the action of the authority for the first time, when the services of the workman, were terminated on 04.01.1994. These proceedings culminated into passing of the award on 02.12.2002, by the Labour Court while deciding the reference in favour of the workman, directing



his reinstatement with continuity of service and 50% back wages.

3. Furthermore, the said award dated 02.12.2002 has been affirmed by this Court by dismissing of Civil Writ Petition No. 12058 of 2003 on 25.10.2004 (Annexure P.2).

4. Thereafter, respondent-employer reinstated the workman on 01.08.2003. However, the services of the workman were yet again terminated on 04.09.2003, without following the provisions of Section 25-F of 'the 1947 Act'.

5. The workman yet again raised a dispute against his termination, which led to passing of the award dated 13.08.2009.

6. The Labour Court held in the said award that termination was in violation of provisions of Section 25-F of 'the 1947 Act', thereby entitling the workman to reinstatement but in the given facts and circumstances, the alternative course of compensation was adopted, in lieu of reinstatement, the workman was awarded an amount of Rs.1 Lakh as compensation.

7. Against the aforesaid award, the workman unsuccessfully approached this Court in CWP-8391-2011, which was dismissed on 09.08.2018.

8. This present appeal has been filed by the workman.

9. Considering the fact that the workman was a temporary employee, this Court is of the considered view that the alternative course adopted by the learned Single Judge as well as the Labour Court, in lieu of reinstatement, was the correct step. However, the earlier award passed by the Labour Court directed reinstatement of the workman with continuity of service, his absence



between the initial termination dated 04.01.1994 and his reinstatement on 01.08.2003 got regularized in the sense that he was treated to be in service as an *ad hoc* employee. Thereafter, the employer yet again terminated the services of workman, without following the provisions of Section 25-F of ‘the 1947 Act’ on 04.09.2003, that too after the workman had completed 12 long years of service.

10. It is significant to note that as per the facts and circumstances of the present case, the period of service put in by workman is 12 years instead of 02 years and 03 months; as held by the Labour Court and accordingly, the quantum of compensation needs to be drastically enhanced.

11. After having considered all the relevant aspects and submissions of learned counsel for rival parties, this Court is of the considered view that an amount of Rs. 6 lakh compensation, in lieu of reinstatement, would suffice. The said amount shall be paid to the workman within a period of 30 days, from today, failing which, the same shall carry interest @ 8% per annum from the date of passing of the award i.e. 13.08.2009.

12. The appeal stands disposed of.

13. All the pending miscellaneous applications, if any, are also disposed of.

(SHEEL NAGU)
CHIEF JUSTICE

(ANIL KSHETARPAL)
JUDGE

12.09.2024
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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No