

2024.PHHC:092561-DB



IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Letters Patent Appeal No. 1171 of 2018 (O&M)

Date of Decision: 23.07.2024

Hari Om

.....Appellant

versus

Industrial Tribunal cum Labour Court III Faridabad, Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE
HON'BLE MR. JUSTICE VIKAS SURI, JUDGE

Present : Ms. Abha Rathore, Advocate, for the appellant.

Mr. Naveen S.Bhardwaj, Addl. Advocate General, Haryana.

SHEEL NAGU, CHIEF JUSTICE (Oral)

Affidavit dated 16.07.2024 of District Food & Supply Controller, Palwal filed on behalf of the respondent-State of Haryana is taken on record.

2. This Letters Patent Appeal is preferred against the judgment dated 05.02.2018 passed by the learned Single Judge in Civil Writ Petition No. 1600 of 2014 whereby the learned Single Judge set aside the award of the Labour Court dated 31.07.2013 wherein the Labour Court had dismissed the reference preferred by the workman against his termination.

3. The learned Single Judge while setting aside the impugned award of the Labour Court held that there had been mistake on the part of the Labour Court in assessing the correct date of initial engagement/appointment of the

workman. However, the learned Single Judge also held that the workman had admitted the fact that he had worked in the respondent-department only for one year 10 months. After setting aside the award, the learned Single Judge held that though the workman was not entitled for reinstatement but in lieu thereof an amount of Rs. One lac as compensation would suffice which shall carry interest @ 6% per annum if not paid within four months.

4. We have heard learned counsel for the rival parties and perused the impugned orders as well as the award.

5. This Court is conscious of the fact that whenever termination is found to fall within the category unlawful retrenchment, ordinarily the relief due to the workman is of reinstatement. However, in recent times, the trend has changed. In cases where the workman has put in less number of years as is the case herein (one year and 10 months) and where engagement is of temporary/*ad hoc*/daily wager, as is the case herein, then the law laid down by the Apex Court in ***BSNL vs. Bhurumal (2014) 7 SCC 177*** is that reinstatement will neither be in the interest of the employee nor in the interest of Employer and therefore, an alternative course of payment of compensation to the aggrieved workman was devised.

6. In the present case, an amount of Rs. One lac as compensation had been directed to be paid to the workman in lieu of reinstatement by learned Single Judge. Similar view has been taken by the Apex Court in ***Madhya Bharat Gramin Bank vs. Panchamlal Yadav (2021) 20 SCC 633***.

7. We do not find the above said view taken by the learned Single Judge to be unlawful. The said view could have been taken in the given facts and circumstances of the case and merely because another view is possible, cannot be a ground to interfere.

8. At this juncture, learned counsel for the employer informs by way of an affidavit sworn by District Food & Supply Controller, Palwal that principal amount of Rs. One lac plus Rs. 35,704/- on account of interest have been credited in the account of the workman.
9. In view of the above, we do not consider it to be proper to interfere in the impugned judgment of learned Single Judge either on merits or on quantum of compensation.
10. The appeal accordingly stands dismissed. Pending applications, if any, also stand disposed of.

(SHEEL NAGU)
CHIEF JUSTICE

(VIKAS SURI)
JUDGE

23.07.2024
ravinder

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