



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

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**CWP-11350-2000 (O&M)
Decided on :04.08.2025**

M/S HARYANA MINERALS LTD.

. .Petitioner

Versus

THE PRESIDING OFFICER, INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT-I, FARIDABAD AND ANR..

. . . Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

PRESENT: Mr. Samarat Malik, Advocate for the petitioner.

Mr. Anil Shukla, Advocate for the respondent No. 2.

HARSIMRAN SINGH SETHI, J. (Oral)

1. In the present petition, the challenge is to the impugned award dated 24.09.1999 (Annexure P-5), by which, respondent No. 2-workman was granted the benefit of reinstatement in service and full back wages alongwith consequential benefits .

2. Learned counsel for the petitioner argues the said impugned award is liable to be set-aside on the ground the findings which have been recorded by the labour Court that the absence of the respondent No. 2-workman from service was not will-full, is incorrect. Learned counsel for the petitioner submits that while recoding the said fact, the termination of the services of the respondent No. 2-workman was held to be bad by the Labour Court and the respondent No. 2-workman was granted with the benefit of reinstatement in service alongwith the back-wages.

3. Learned counsel for the petitioner further argues that even otherwise, the respondent No. 2-workman had worked with the petitioner-Mill only for a period of three years, hence, the benefit of reinstatement in

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service alongwith the benefit of back-wages should not have been allowed in favour of the respondent No. 2-workman, rather the benefit of compensation should have been paid to him.

4. Learned counsel for the respondents submits that as of now, the , the respondent No. 2-workman has already crossed the age of superannuation and by way of the interim order dated 28.08.2000, the operation of the impugned order dated 24.09.1999 (Annexure P-5) was stayed subject to the provisions of Section 17-B of the Industrial Disputes Act, 1947 (hereinafter referred to 1947 Act), the workman has received the payment admissible to him under the provisions of Section 17-B of the 1947 Act. Learned counsel for the respondents further submits that the impugned award passed by the labour Court is perfectly valid and legal as willful absence on part of respondent No.2 to perform the duties assigned to him were not proved even in the enquiry proceedings, which was made the basis by the petitioner-mill for the termination of the services of the respondent-workman .

5. I have heard learned counsel for the parties and have gone through the case file with their able assistance.

6. Once, the findings have been recorded by the labour Court that the termination of the services of the respondent No. 2-workman was bad and even during the enquiry proceedings, no material evidence was brought on record which could show wilful absence on part of respondent No. 2-workman from performing the duties assigned to him, this court is not to re-appreciate the evidence so as to record the findings other than the one recorded by the labour Court while passing the impugned order.

7. Learned counsel for the petitioner has not been able to prove that the said findings recorded by the labour Court which have ultimately resulted in reaching to the conclusion that the termination of the respondents-

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workman was disproportionate to the charges alleged and proved, is perverse to the facts and evidence available on record. Hence, in the absence of any such material evidence brought to this Court, the findings recorded by the labour Court in the impugned order dated 24.09.1999 (Annexure P-5), cannot be set-aside.

8. The arguments of the learned counsel for the petitioner that the respondent No. 2-workman had only worked with the petitioner-mill for more than two and half years and hence, granting benefit of reinstatement in service in the facts and circumstances of the present case was not correct rather benefit of compensation should have been awarded in favour of the respondent No. 2-workman.

Learned counsel for the respondents submits that once, the termination of the services of the respondent No. 2- workman was held to be disproportionate to the allegations alleged and proved, the benefit of reinstatement in service along with full backwages is valid.

9. Keeping in view the fact that respondent No. 2-workman had worked with petitioner-mill only for about two years and the Labour Court while granting him the benefit of reinstatement in service, without even noticing the fact that whether the post on which the respondent No. 2-workman was serving prior to his termination existed or not, is incorrect. In order to compensate the respondent No. 2-workman for his illegal termination from service, the benefit of compensation should have been granted to the workman in lieu of reinstatement in service, as per the settled by the Division Bench of this Court in **LPA No. 1203 of 2021 titled as Sukhbir Singh versus State of Haryana and others, decided on 01.03.2023.**

10. As per the judgment of the Division Bench in **Sukhbir Singh's case (supra)**, the employees who are not working against a regular post and



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there is a difficulty in reinstating the services of such kind of employees with back-wages, they are entitled for a sum of Rs.50,000/- as compensation for each completed year in service. The relevant paragraph nos.6 and 7 of the same are reproduced as under:-

“Para No. 6 Resultantly, once the workman had completed 240 days and apparently had worked for a period spanning more than 5 ½ years, we are of the considered opinion that dispensing of his service before his contractual period came to an end would entitle him for the statutory protection which would be evident from the award of the Labour Court. However, keeping in view the fact that at this point of time, it would not be justified to put him back in service since a period of almost 25 years has gone by and therefore, it would be just and appropriate to award compensation to the tune of Rs.2,50,000/- on an average of Rs.50,000/-per year, keeping in view the fact that the State had taken his service for more than 5 years with the same office in different districts.

Para no.7 The Apex Court in Haryana Urban Development Authority Vs. Om Pal, (2007) 5 SCC 742 granted Rs.25,000/- for the service of one year whereas in Uttaranchal Forest Development Corporation Vs. M.C.Joshi, (2007) 9 SCC 353, for a period of 2 years, a sum of Rs.75,000/- was granted. Similarly, in Asst.Engineer, Rajasthan Development Corporation & another Vs. Gitam Singh, 2013 (1) SCR 679, the said view was followed while noticing that the service was of 8 months and thus, compensation of Rs.50,000/- was granted. Similarly, in Management, Hindustan Machine Tools Ltd. Vs. Ghanshyam Sharma, 2018 (18) SCC 80, for a period of one year, compensation of Rs.50,000/- had been granted. In K.V.Anil Mithra & another Vs. Sree-Sankaracharya University of Sanskrit & another, 2021 (4)



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SCT 415, for a period of little over 4 years, amount awarded was Rs.2,50,000/- in lieu of the reinstatement and backwages of 50% which was granted and accordingly, modified. ”

11. Keeping in view the totality of the circumstances as respondent-workman had worked with the petitioner-department for almost 3 years instead of reinstatement and backwages granted by the impugned award dated 24.09.1999 (Annexure P-5), is modified and the respondent-workman be granted the compensation of Rs. 1,50,000/- as full and final settlement. The same shall be paid within a period of 8 weeks from the receipt of certified copy of this order, failing which, it will carry interest @ 6% per annum from the date of award till the date of payment or today.

12. It may be noticed that any amount, if already paid to the respondent-workman under the provisions of Section 17-B of the 1947 Act, will not be adjusted against the amount of Compensation to the tune of Rs. 1,50,000/-.

13.. The present writ petition is disposed of and the impugned award dated 24.09.1999 (Annexure P-5) is hereby modified to the above extent.

14. Pending civil miscellaneous application, if any, stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

04.08.2025

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Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No