



CWP-11057-2001 (O&M) -1-

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CWP-11057-2001(O&M)
Date of Decision :30.07.2025

State of Haryana

...Petitioner

Versus

Surjeet and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Naveen S. Panwar, DAG, Haryana
for the petitioner-State.

Ms. Sanchi Bindra, Advocate for Mr. Amar Vivek, Advocate
for respondent No1.

* * *

Harsimran Singh Sethi, J. (Oral)

1. In the present petition, the grievance of the petitioner-State is that by the impugned award dated 23.03.2001 (Annexure P/6) passed by the Presiding Officer, Industrial Tribunal-cum-Labour Court, Gurgaon (for short, 'Labour Court'), the respondent No.1-workman has wrongly been granted the benefit of reinstatement in service with continuity and full back wages whereas, the respondent No.1-workman had not completed 240 days in service in 12 months prior to the termination of his services hence, the question of compliance of Section 25-F of the Industrial Disputes Act, 1947 (hereinafter referred to as '1947 Act') does not arise.

2. On being asked to point out any perversity as to how, the respondent No.1-workman has not completed 240 days in service in 12 months preceding termination especially, when the respondent No.1-workman was working with the petitioner-State from 16.08.1989 and

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worked till 16.08.1995, learned counsel for the petitioner-State has not been able to show that the finding recorded by the Labour Court that respondent No.1-workman completed 240 days in 12 months preceding the termination is perverse to the facts and evidence brought on record.

3. Learned counsel for the petitioner-State submits that impugned award was passed in the year 2001 and 25 years have passed and workman has unfortunately died during the pendency of the present petition hence, the question of grant of benefit of reinstatement in service has rendered moot.

4. Learned counsel for the respondent No.1-workman concedes the factum that respondent No.1-workman has died during the pendency of the present petition.

5. Keeping in view the totality of the facts and circumstances of the present case, as the respondent No.1-workman has died during the pendency of present petition, he cannot be reinstated in service coupled with the fact that due to the interim order passed by this Court in favour of the petitioner, respondent No.1-workman even could not perform the duty before his death hence, respondent No.1-workman is liable to be compensated not only for the period he had worked prior to termination of his services but also for the period when despite an award in his favour, he could not join back the duty for a period of 23 years.

6. As per the settled principle of law settled by the Division Bench of this Court in **LPA No.1203-2021 titled as Sukhbir Singh vs. State of Haryana and others decided on 01.03.2023**, an employee is entitled for compensation in lieu of benefit of reinstatement in service. Relevant paragraphs of the said judgment are as under:-

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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 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.

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) 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.”

7. A bare perusal of the above reproduction would show that for each completed year, instead of reinstatement, a workman can be paid compensation to the tune of Rs.50,000/ for each completed year. Keeping in view the fact that in the present case, respondent No.1-workman had worked



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for a period of more than 06 years, he becomes entitled for sum of Rs.3,00,000/- on the said account.

8. Not only this, respondent No.1-workman was not allowed to perform his duty despite the award in his favour as interim order was passed by this Court in favour of the petitioner-State and as the present writ petition is being dismissed as the impugned award has not been proved to be perverse to the facts and evidence brought on record, respondent No.1-workman needs to be compensated for the period he was not allowed to join back the duty.

9. Keeping in view the totality of the facts and circumstances of the present case, respondent No.1-workman is held entitled for sum of Rs.5,00,000/- as full and final settlement of his all dues and as the respondent No.1-workman has already died, it is directed that the said amount of Rs.5,00,000/- be paid to the legal heirs of the respondent No.1-workman within a period of 08 weeks from the date of receipt of copy of this order, failing which, the said amount will carry interest @ 6% per annum from today till its realisation.

10. Present petition stands disposed of in above terms.

11. Civil miscellaneous application pending, if any, is also disposed of.

July 30, 2025
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No