



**CWP-11942-1999 &
CWP-11967-1999**

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

221 (02 cases)

CWP-11942-1999

Date of Decision :25.03.2025

Haryana Tourism Corporation Limited

...Petitioner

Versus

**Presiding Officer, Industrial Tribunal-cum-Labour Court
Hisar & others**

...Respondents

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Haryana Tourism Corporation Limited

...Petitioner

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**Presiding Officer, Industrial Tribunal-cum-Labour Court
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...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Abhilaksh Grover, Advocate with Ms. Sarita, Advocate
for the petitioner-Corporation in both the petitions.

Mr. Jaswinder Singh Rana, Advocate for
Mr. Vivek Singla, Advocate for respondent No.2
in both petitions.

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Harsimran Singh Sethi, J. (Oral)

1. In the present two petitions, the grievance of the petitioner-



Corporation is that by the impugned award dated 10.02.1998 (Annexure P/3) passed by the Presiding Officer, Labour Court, Hisar, the benefit has been extended in favour of the respondents-workmen by holding the termination of their services as bad and the respondents-workmen have been reinstated with continuity of service with all other consequential service benefits and 25% back wages.

2. Learned counsel for the petitioner-Corporation submits that the respondents-workmen were working on daily wage basis and they had only worked for a period of two years and hence, the grant of benefit of reinstatement in service especially, without recording the fact whether there existed any regular post against which the respondents-workmen can be reinstated, needs to be modified.

3. Learned counsel for the petitioner-Corporation submits that at the most, the respondents-workmen could have been given the compensation in lieu of reinstatement in service.

4. Learned counsel for the respondents-workmen submits that once, it is clear that respondents-workmen had worked for a period of two years and the only argument being raised by the learned counsel for the petitioner-Corporation is that the respondents-workmen had abandoned the job, nothing evident has come on record that the benefit of retrenchment compensation was given, the impugned award dated 10.02.1998 (Annexure P/3) passed by the Labour Court is perfectly valid and legal.

5. Learned counsel for the respondents-workmen further submits that a categorical finding has been recorded by the Labour Court that services of the respondent-workmen were terminated without following Section 25-F



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of the Industrial Dispute Act, 1947 and hence, impugned award dated 10.2.1998 (Annexure P/3) may kindly be upheld.

6. I have heard learned counsel for the parties and have gone through the record with their able assistance.

7. In order to come to the conclusion whether the termination of services is bad, the Labour Court has given due reasons especially, the fact that for a period of two years respondents-workmen had worked and had completed 240 days in service prior to the termination of their service, which fact has gone un rebutted. Once, the provisions of Section 25-F of the 1947 Act has not been complied with, holding the termination of the services of the respondents-workmen as bad needs no interference at the hand of this Court.

8. The question which arises is whether, reinstatement with continuity in service and 25% back wages could have been granted to the respondents-workmen or not.

9. As the respondents-workmen were working as Sweeper and nothing evident has come on record that there existed a regular post so as to accommodate the respondents-Workmen or the respondents-workmen were appointed against the regular post, the grant of benefit of reinstatement with continuity in service and 25% back wages needs to be modified.

10. The benefit of compensation could have been granted in favour of workmen for non-compliance of Section 25-F of the 1947 Act.

11. As per the settled principle of law settled by the Division Bench of this Court after relying upon the various judgments of the Hon'ble Supreme Court of India in **LPA-1203-2021 titled as Sukhbir Singh vs. State**



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of Haryana and another, decided on 01.03.2023, a compensation should be assessed keeping in view the number of years the workman had worked and a sum of Rs.50,000/- should be paid as compensation for each completed year. Relevant paragraphs of the said judgment are as under:-

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/-



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in lieu of the reinstatement and backwages of 50%
which was granted and accordingly, modified.”

12. Keeping in view the facts and circumstances of the present case, that the respondents-Workmen had worked for a period of 02 years, a sum of Rs.1,00,000/- is granted as compensation in favour of the respondents-workmen in lieu of benefit of reinstatement in service with continuity and 25% back wages.

13. Further, the amount of compensation of Rs.1,00,000/- awarded in favour of the respondent-Workmen will carry interest @ 6% from the date of award till the same is actually released.

14. Present petitions are allowed in above terms.

15. A photocopy of this order be placed on the files of connected cases.

March 25, 2025
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : 3 No