



CWP-13819-1999 & -1-
CWP-13820-1999

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

220+221

CWP-13819-1999
Date of Decision :19.02.2025

Haryana Warehousing Corporation ...Petitioner

Versus

Presiding Officer, Labour Court & Industrial
Tribunal, Hisar and another ...Respondents

CWP-13820-1999

Haryana Warehousing Corporation ...Petitioner

Versus

Presiding Officer, Labour Court & Industrial
Tribunal, Hisar and another ...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Lekh Raj Sharma, Advocate for the petitioner-Corporation

Mr. Sanjeev Gupta, Advocate for respondent No.2
in CWP-13819-1999.

* * *

Harsimran Singh Sethi, J. (Oral)

1. In the present set of petitions, challenge is to award dated 20.04.1999 (Annexure P/1) passed by the Presiding Officer, Labour Court-cum-Industrial Tribunal, Hisar by which, the termination of the services of



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the respondents-Workmen held to be in violation of Section 25-F of the Industrial Disputes Act, 1947 (in short, '1947 Act') and the respondents-Workmen were directed to be reinstated in service with continuity along with 50% of back wages from the date of the demand notice till reinstatement.

2. Learned counsel for the petitioner-Corporation argues that the respondents-Workmen were working as Chowkidar and they had only worked for a period of 08 months hence, once, the respondents-Workmen had only worked for a period of 08 months, the impugned order award dated 20.04.1999 (Annexure P/1) granting them the benefit of reinstatement in service along with continuity and 50% of back wages is liable to be modified.

3. Learned counsel for the petitioner-Corporation further submits that as the operation of the impugned award was stayed on 29.9.1999 and respondents-Workmen are getting salary under Section 17-B of the 1947 Act for the last about 25 years hence, they have already been suitably compensated qua their working with the petitioner-Corporation for a period of 08 months.

4. Learned counsel for the petitioner-Corporation submits that as per the settled principle of law settled by the Division Bench of this Court in **LPA-1203-2021 titled as Sukhbir Singh vs. State of Haryana and another, decided on 01.03.2023** in case, a Workman had worked for lesser period, benefit of reinstatement in service should not be granted but the benefit of compensation should be granted keeping in view the number of years an employee has worked. Relevant paragraph of the judgment is 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.

5. Learned counsel for the respondents-Workmen submits that the respondents-workmen had worked for 08 months but their services were terminated in violation of provisions of 1947 Act and once, the benefit of reinstatement in service has been granted by the Tribunal, the same be upheld. Learned counsel for the respondents-Workmen conceded that from the year 1999 onwards for about last 25 years, the respondents-Workmen has been getting last drawn salary under Section 17-B of the 1947 Act.

6. I have heard learned counsel for the parties and have gone



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through the record with their able assistance.

7. It may be noticed that learned counsel for the petitioner-Corporation has not addressed arguments upon the legality of the impugned award dated 20.04.1999 (Annexure P/1) on merit but has only argued qua the grant of relief of reinstatement in service to the respondents-Workmen.

8. It is a conceded position that the respondents-Workmen had only worked for a period of 08 months hence, the grant of benefit of reinstatement in service along with continuity and 50% back wages by the Tribunal especially, when nothing has come on record whether the post on which the respondent-Workmen were employed was vacant or not, is not valid.

9. Further, as per the settled principle of law settled by the Division Bench of this Court in **Sukhbir Singh (supra)**, the compensation can also be granted in lieu of reinstatement keeping in view the facts and circumstances of a particular case.

10. In the present case, once, the respondents-Workmen only worked for a period of 08 months with the petitioner-Corporation coupled with the fact that they have been paid salary under Section 17-B of the 1947 Act for the last 25 years, it would be appropriate that as a full and final settlement, a sum of Rs.1 lakh each is to be granted to the respondents-Workmen in lieu of reinstatement and back wages. Ordered accordingly.

11. Let the present order be complied with within a period of 02 months from the date of receipt of copy of this order failing which, compensation granted will carry interest @ 6 % per annum from today.

Present petitions are disposed of in above terms.

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

February 19, 2025
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No