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

(223)

**CWP-7518-2001 (O&M)
Date of Decision : April 24, 2025**

State of Haryana

.. Petitioner

Versus

Ram Phal and another

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Saurabh Girdhar, Assistant Advocate General, Haryana
for the petitioner-State.

None for respondent No.1-workman.

HARSIMRAN SINGH SETHI J. (ORAL)

1. In the present writ petition, the challenge is to the Award dated 09.08.2000 (Annexure P-6) passed by the Labour Court, Panipat, whereby the respondent No.1-workman was reinstated with continuity and full back wages.

2. Learned counsel for the petitioner-State argues that the respondent No.1-workman had not completed 240 days while in service hence, he has wrongly been reinstated in service with continuity and full back wages.

3. Further prayer of the petitioner-State is that even otherwise, the respondent No.1-workman had only worked for one year and therefore, granting the benefit of reinstatement with continuity and full back wages is arbitrary and the compensation could have been granted to the respondent No.1-workman especially when nothing has come on record that the

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workman was selected against the regular sanctioned post which was available even at the time of the passing of the impugned Award.

4. No one has appeared on behalf of the respondent No.1-workman since long.

5. I have heard learned counsel for the petitioner and have gone through the record with his able assistance.

6. Once, a categoric finding has been recorded by the Labour Court that the respondent No.1-workman had completed 294 days in the 12 months preceding to the date of his termination, the respondents were under an obligation to comply with the Section 25-F of the Industrial Disputes Act, 1947, which was not done.

7. The argument of the petitioner that the respondent No.1-workman has not completed 240 days in service, has not been established keeping in view the evidence which has brought on record. The finding recorded by the Labour Court that keeping in view the working days mentioned in Exhibit W-1 and W-2, the workman had completed 294 days as he worked in two different divisions but under the same employer which were clubbed. Hence, holding that the termination of the services of the workman was bad, needs no interference at the hands of this Court.

8. With regard to the grant of relief of reinstatement with continuity and full back wages to the respondent No.1-workman, it may be noticed that the workman had only worked for a period of one year. Nothing has come on record that he was working against the regular sanctioned post and he was only working on daily wage basis. That being so, rather than reinstatement, the workman could have been awarded the compensation.



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9. Further, the Division Bench of this Court in ***LPA No. 1203 of 2021 titled as Sukhbir Singh Vs. State of Haryana and others, decided on 01.03.2023***, has held that for every completed year the employee should be paid ₹50,000/- in case reinstatement is not granted to the Workman. Relevant paragraphs No. 6 and 7 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 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.

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



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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.”

10. In view the above, the Award dated 09.08.2000 (Annexure P-6) is modified to the extent that as the respondent No.1-workman has worked for a period of approximately one year, the respondent No.1-workman is held entitled for a sum of Rs.50,000/- as a lump sum compensation to be paid by the respondent. Any salary paid under Section 17-B of the Industrial Disputes Act to the respondent No.1-workman, will not be taken back and the sum of Rs.50,000/- will be over and above the amount already paid to the workman, which shall be paid within a period of eight weeks from today failing which it will carry interest @ 6% from today.

11. The present writ petition is disposed of in above terms.

12. Civil miscellaneous application pending if any, also stands disposed of.

April 24, 2025
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No