

2025.PHHC:051363-DB



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

1. LPA-868-2025 (O&M)

LAXMAN SINGH

.....Appellant

Versus

PRESIDING OFFICER, INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-
III, FARIDABAD & ORS.

.....Respondents

2. LPA-939-2025 (O&M)

SUNDER

.....Appellant

Versus

PRESIDING OFFICER, INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-
III, FARIDABAD & ORS.

.....Respondents

Date of Decision: 21.04.2025

**CORAM: HON'BLE MR. JUSTICE SUDHIR SINGH
HON'BLE MR. JUSTICE DEEPINDER SINGH NALWA**

Present:- Mr. Ravi Malik, Advocate for the appellant.

Mr. Ankur Mittal, Advocate for the respondents-HSVP.

SUDHIR SINGH, J.

CM-2174-LPA-2025 in LPA-868-2025

For the reasons given in the application, the same is
allowed. Delay of 283 days in filing the appeal is condoned.

CM-2342-LPA-2025 in LPA-939-2025

For the reasons given in the application, the same is
allowed. Delay of 283 days in filing the appeal is condoned.

Main cases

This order shall dispose of the above noted two appeals
arising out of a common order dated 09.05.2024 passed by the learned

Single Judge, whereby while disposing of a batch of six writ petitions, all the workmen were held entitled to a lump sum compensation of Rs.4 lakhs each.

2 The respondent-workman (Laxman) worked as a sewer cleaning machine driver from January, 2002 to 22.11.2008 drawing a monthly salary of Rs.7,000/-. The Labour Court had found him entitled to a lump sum compensation of Rs.1.5 lakhs, whereas the appellant-workman (Sunder) worked with the respondent-Management from January, 2008 to 2.07.2012 as a sewer cleaning machine driver drawing a monthly salary of Rs.7,200/- and the learned Labour Court found him entitled to a lump sum compensation of Rs.1 lakh. The workmen claimed that their services were terminated in violation of the provisions of Sections 25F, 25G and 25N of the Industrial Disputes Act, 1947 (for short 'the Act'), whereas the respondent-Management denied the appellant-workmen being their employees and rather had pleaded that they had been engaged through a contractor. The learned Labour Court found that the appointment of the workmen was not in accordance with guidelines/instructions of the Haryana Urban Development Authority (HUDA) and that the demand notice(s) was served by the workmen after a lapse of three years from the date of termination of their services. The Labour Court accordingly, held the respondent-workmen entitled to the monetary compensation instead of ordering their reinstatement.

3. The learned Single Judge, while dismissing the three writ petitions filed by the respondent-Management held that there was no evidence led by the respondent-Management as regards the license authorizing the private agency to provide contractual workmen or even document of agreement etc. It was further held that keeping in view the fact that the dispute pertained to the period of more than 15 years back, no purpose would be served by ordering the reinstatement of the workmen. Accordingly, after referring to various judgments of the Hon'ble Supreme Court, all the workmen were held entitled to the monetary compensation of Rs.4 lakhs each.

4. Learned counsel appearing for the appellants has vehemently argued that the finding of the learned Single Judge that the appellant-workmen were not entitled to reinstatement in service is patently illegal as the respondent-Management did not produce any evidence on record to counter the case set up by the appellants-workmen. It is further argued that the appellants-workmen have not attained the age of superannuation which could have justified the directions regarding the payment of monetary compensation. Thus, a prayer has been made for setting aside the impugned order passed by the learned Single Judge.

5. We have heard the learned counsel for the appellant and have also gone through the impugned order.

6. The only question that arises for consideration by this Court is whether the order passed by the learned Single Judge, requires any interference.

7. We find that the Labour Court had observed that the appointment of the appellants-workmen was against the guidelines/instructions of Haryana Urban Development Authority (HUDA), and, thus, held that appellants-workmen entitled to lump sum compensation of Rs.1,50,000/- and Rs.1 lakh, respectively. The learned Single Judge after taking into consideration the totality of the facts and circumstances of the case; the stand taken by the respondent-Management and further taking into consideration that more than 15 years have elapsed since the alleged termination of the services of the appellants-workmen has enhanced the compensation to Rs.4 lakhs each, to all the workmen.

8. We find that the order passed by the learned Single Judge cannot be said to be illegal or perverse. The appellants have already been suitably compensated by the learned Single Judge and, thus, the impugned order does not require any interference.

9. No other point has been urged.

10. In view of the above, finding no merit in the present appeals, the same are hereby dismissed.

11. Pending application(s), if any, shall stand disposed of.

[SUDHIR SINGH]
JUDGE

[DEEPINDER SINGH NALWA]
JUDGE

21.04.2025
himanshu

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No