



CWP-16553-2000 (O&M)

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

(216)

CWP-16553-2000 (O&M)

Date of Decision : July 08, 2025

**The XEN, Madhopur Division, U.B.DC. Gurdaspur and others
.. Petitioners**

Versus

Harjinder Singh and another

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Rahul Rampal, Additional Advocate General, Punjab,
for the petitioners.

Mr. S.K. Sharma (Budhladewale), Advocate,
for respondent No.1.

HARSIMRAN SINGH SETHI J. (ORAL)

1. In the present writ petition, the challenge is to the Award dated 12.01.2000 (Annexure P-1) passed by the Labour Court.
2. The writ petition was admitted on the first date of hearing but there was no interim order. Vide impugned Award, the benefit of reinstatement in service along with 25% back wages with continuity in service was granted.
3. Learned counsel for the petitioners argues that despite the fact that there was no interim order, respondent No.1-workman never came and joined in service in pursuance to the impugned Award.



4. Learned counsel for the petitioners submits that no execution application to execute the Award has been filed even as of now.

5. Learned counsel for the petitioners further submits that as the respondent No.1-workman had only completed three years in service rather than granting the benefit of reinstatement in service with continuity and 25% back wages, the benefit of lump sum compensation could have been granted in favour of the workman.

6. Learned counsel appearing on behalf of respondent No.1 submits that as per his instructions, no execution application was filed by respondent No.1 and the same was not filed on the ground that respondent No.1-workman presumed that there was an interim order in the present petition.

7. Learned counsel for respondent No.1-workman further submits that the Award dated 12.01.2000 (Annexure P-1) is perfectly valid and legal hence, the same may kindly be upheld.

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

9. In the present writ petition, the grant of benefit of reinstatement in service along with back wages in favour of respondent No.1-workman has been given on the ground that the petitioners failed to prove that respondent No.1-workman has worked less than 240 days prior to the date his services were terminated and hence, while terminating the service of respondent No.1, Section 25-F of the Industrial Disputes Act, 1947 was not complied with. The findings which have been recorded are in consonance with the reasoning given in the impugned Award which is based upon the



evidence that came up on record.

10. The question which arises for consideration is whether, keeping in view the fact that respondent No.1-workman was working as a seasonal daily wage employee and had only worked for three years w.e.f. 1986 to 1989, the benefit of reinstatement in service with back wages should have been granted or the benefit of compensation should have been granted to the respondent-workman to compensate for non-compliance of Section 25-F of the Industrial Disputes Act, 1947.

11. In the present case, nothing has come on record to show that the post against which the respondent No.1-workman was working, was a permanent post so as to claim the benefit of reinstatement for the same. The justice would have been served in case the respondent No.1-workman would have been granted the benefit of compensation.

12. Further, even after passing of the Award impugned, respondent No.1-workman has not approached the petitioners for reinstatement and has not reinstated even upto the now.

13. Keeping in view the totality of the circumstances, the Award dated 12.01.2000 (Annexure P-1) of the Labour Court is modified to the extent that instead of reinstatement with continuity in service and 25% back wages, the respondent No.1-workman will be entitled for lump sum compensation of Rs.3 lacs to be paid within a period of one month from today. In case, the same is not paid, the said amount will carry interest @ 6% per annum from today till the payment of Rs.3 lacs.

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



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

July 08, 2025

harsha

(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No