



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

277

**CWP-8375-2025 (O&M)
Decided on : 24.07.2025**

HARDEV SINGH

..PETITIONER

Versus

THE PRESIDING OFFICER INDUSTRIAL TRIBUNAL BATHINDA
AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

PRESENT: Mr. Rajeshwar Singh Grewal, Advocate for the petitioner.

Mr.Arshnoor Singh Chugh, Advocate
for respondent No. 2 & 3. .

HARSIMRAN SINGH SETHI, J. (Oral)

1. In the present petition, the challenge is to the impugned award dated 24.01.2025 (Annexure P-5), by which, the claim of the petitioner-workman for the reinstatement in service alongwith the benefit of back-wages have been denied and only the compensation to the tune of Rs.25,000/- has been given after recording the findings that the termination of the services of the petitioner-workman were contrary to the provisions of Industrial Disputes Act, 1947.

2. Learned counsel for the petitioner argues that though in the writ petition, the petitioner is claiming the benefit of reinstatement with continuity in service alongwith full back wages but the said prayer is not being pressed by the petitioner and only the grievance qua inadequate compensation granted by the labour Court in lieu of the benefit of reinstatement in service with continuity and back-wages is being agitated by petitioner.

2. Learned counsel for the petitioner submits that the petitioner has worked with the respondent for approximately two years starting from



CWP-8375-2025 (O&M)

-2-

01.11.2014 till 02.08.2016, hence, keeping in view the judgment of the Division Bench of this Court in **LPA No. 1203 of 2021 titled Sukhbir Singh versus State of Haryana and others, decided on 01.03.2023**, the petitioner is entitled for the compensation of Rs. 1 lakh at the rate of Rs. 50,000/- for each completed year.

3. Learned counsel for the respondent submits that the compensation which was granted to the petitioner by the labour Court vide impugned award dated 24.01.2025 (Annexure P-5) was commensurate keeping in view the facts and circumstances of the present case hence, enhanced compensation being claimed by the petitioner is incorrect, hence, the writ petition may kindly be dismissed.

4. I have heard learned counsel for the parties and have gone through the case file with their able assistance.

5. The issue as to how the compensation to be awarded to the workman in lieu reinstatement needs to be calculated has already been settled by the Division Bench of this Court in **LPA No. 1203 of 2021 titled as Sukhbir Singh versus State of Haryana and others, decided on 01.03.2023**.

6. As per the judgment of the Division Bench in **Sukhbir Singh's case (supra)**, the employees who are not working against the regular post and there is difficulty in reinstating the services of such kind of employees with back-wages, they are entitled for a sum of Rs.50,000/- as compensation for each completed year in service. The relevant paragraph nos.6 and 7 of the same are reproduced as under:-

“Para No. 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



CWP-8375-2025 (O&M)

-3-

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.

Para no.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-*



CWP-8375-2025 (O&M)

-4-

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. ”

7. Learned counsel for the respondents has not been able to rebut the aforesaid principal of law.

8. Keeping in view the totality of the circumstances as only grievance being raised is for the enhancement of the compensation and keeping in view the fact that the present petitioner-workman had worked with the respondents-department for almost 2 years, the petitioner be granted the compensation of Rs. 1,00,000/- as full and final settlement. The same shall be paid within a period of 8 weeks from the receipt of certified copy of this order, failing which, it will carry interest @ 6% per annum from the date of award till the date of payment.

9 It may be noticed that any amount, if already paid to the petitioner under the award, will be adjusted while calculating the amount of Compensation to the tune of Rs. 1,00,000/-.

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

11. Pending civil miscellaneous application, if any, stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

24.07.2025

Riya

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No