

2025.PHHC.051335-DB



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

LPA-1104-2025 (O&M)

Date of Decision: 21.04.2025

THE GENERAL MANAGER TELECOM

.....Appellant

Versus

PRESIDING OFFICER & ANR.

.....Respondents

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

Present:- Mr. Sanjeev Kaushik, Advocate
Mr. Divyanshu Kaushik, Advocate and
Ms. Simran Sharma, Advocate for the appellant.

SUDHIR SINGH, J.

CM-2716-LPA-2025

Allowed as prayed for.

CM-2717-LPA-2025

For the reasons given in the application, the same is allowed. Delay of 68 days in filing the appeal is condoned.

LPA-1104-2025

Challenge in the instant intra Court appeal is to the order dated 19.12.2024 passed by the learned Single Judge, whereby while disposing of a bunch of six writ petitions, the award passed by the learned Labour Court, was upheld but with a direction to the appellant to pay interest @ 9% per annum to the respondent-workman from the date of award till the date of payment.

2 Before the learned Single Judge, the appellant had laid challenge to the award dated 12.08.2021, whereby a lump sum compensation of Rs.4.50 lakhs was awarded to the respondent-workman. As per the facts on record, the respondent-workman had worked in the office of the appellant from 01.01.1996 till 05.03.1999 and he was retrenched on 05.03.1999 without any notice, charge-sheet, enquiry and payment of compensation. The said claim of the respondent-workman was disputed by the appellant pointing out that neither any appointment letter was issued to him nor he was the member of the service. It was further the stand of the appellant that the payment was directly made to the contractor and the Management was not having any record to reveal that the respondent-workman had actually worked with the erstwhile Department.

3. It may be noticed that earlier CWP-20982-2015 filed by the respondent-workman was allowed by this Court in terms of the order passed in CWP-20930-2015. While setting aside the award passed by the Labour Court, the matter was remanded to the Labour Court for decision afresh. Pursuant to the said order passed by the Single Bench of this Court, the Labour Court passed the impugned award awarding the aforesaid lump sum compensation to the respondent-workman.

4. The said award has been upheld by the learned Single Judge vide the impugned order. Additionally, the learned Single Judge has directed the Management to pay interest @ 9% per annum to the respondent-workman.

5. Learned counsel for the appellant-Management has vehemently argued that the onus to prove that the respondent-workman was appointed by the appellant-Management and he had worked with the Management, was upon the respondent-workman, but he failed to discharge the said burden. It is further argued that it was the specific stand of the appellant that the payment had directly been made to the contractor and it was not having the record of the erstwhile employer of the respondent-workman. It is further argued that both, the Labour Court and the learned Single Judge, have failed to appreciate the fact that as per Clause 21 of the agreement, it was the contractor, who was to make payment to the respondent-workman and not the appellant-Management. It is also argued that the award of compensation to the respondent-workman is very much on the higher side. Still further it is argued that grant of interest @ 9% per annum from the date of the award till the date of payment, is also legally unjustified.

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

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

8. It has been observed by the learned Single Judge that pursuant to the remand of the case to the Labour Court, the Management had the opportunity to bring on record the contract executed with the contractor; evidence of payment of ESI and

provident fund contribution; payment of service tax; payment of lump sum amount to the contractor etc., but no evidence was led in this regard by the Management, which has resulted into the passing of the award by the Labour Court regarding the payment of lump sum compensation. While referring to the various judgments of the Hon'ble Supreme Court, it has been observed by the learned Single Judge that the writ of Certiorari could be issued for an error of law apparent on the face of record or if some action or order is illegal or invalid and that the factual findings recorded by the Labour Court did not contain any material irregularity or infirmity.

9. Learned counsel appearing for the appellant could not refer to any evidence or document produced on record before the Labour Court, which could substantiate the stand of the appellant that the respondent-workman was not the employee of the appellant and that his services were availed through the contractor.

10. We find that having regard to the factum of the work period of the respondent-workman and further taking into consideration the totality of the facts and circumstances of the case, the lump sum compensation awarded by the Labour Court and upheld by the learned Single Judge, cannot be said to be suffering from any illegality or perversity. We also find that the grant of interest @ 9% per annum from the date of award till the payment made to the respondent-workman is also perfectly justified and no interference is called for in the instant appeal.

11. No other point has been urged.

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

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

[SUDHIR SINGH]
JUDGE

[DEEPINDER SINGH NALWA]
JUDGE

21.04.2025
himanshu

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No