

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

2025:PHHC:036709-DB



Date of Decision: 18.03.2025

(i) LPA-1291-2024 (O&M)

MAKHAN SINGH

... APPELLANT

V/S

**THE PRESIDING OFFICER, INDUSTRIAL TRIBUNAL
PATIALA AND OTHERS**

... RESPONDENTS

(ii) LPA-2339-2024 (O&M)

PUNJAB AGRICULTURAL UNIVERSITY (SEED FARM)

... APPELLANT

V/S

MAKHAN SINGH AND OTHERS

... RESPONDENTS

**CORAM: HON'BLE MR. JUSTICE SUDHIR SINGH
HON'BLE MRS. JUSTICE SUKHVINDER KAUR**

**Present: Mr. Ravi Gakhar, Advocate,
for the appellant in LPA-1291-2024 and for respondent No.
1 in LPA-2339-2024.**

**Mr. Sanjeev Sharma, Advocate,
for the respondent No. 2 and 3 in LPA-1291-2024 and for
the appellant in LPA-2339-2024.**

Mr. Kuljit Singh, Addl. A.G., Punjab.

SUDHIR SINGH, J.

This order shall dispose of the above noted two appeals

arising out of the same order dated 28.11.2023 passed by learned Single Judge. LPA-1291-2024 has been filed by the Workman against Management, whereas LPA-2339-2024 has been preferred by the Management against the Workman. However, for the facility of reference, the facts are taken from LPA-1291-2024.

2. The challenge in the instant intra Court appeal is to the order dated 28.11.2023 passed by the learned Single Judge of this Court, whereby writ petition (CWP-11473-2016) filed by the appellant-workman was disposed of by modifying the Award dated 02.06.2014 and accordingly, the amount of Rs.30,000/- awarded as compensation to the appellant-workman was enhanced to Rs.3,00,000/-.

3. Before the learned Single Judge, the appellant-workman had laid challenge to the award dated 02.06.2014 (Annexure P-8 with the writ petition) passed by the Industrial Tribunal, Patiala, whereby compensation of Rs.30,000/- had been granted to him.

4. The facts, in brief, are that the appellant-workman had worked with respondent-Punjab Agricultural University (Seed Farm) (here-in-after referred to as 'the respondent-Management) as Beldar (Seed Farm), Nabha from 07.11.2001 to 28.04.2008 and he was retrenched on 29.04.2008, without any notice, enquiry or payment of compensation.

4. Upon reference having been made to the Industrial Tribunal, the learned Tribunal, after taking into consideration the rival contentions and the evidence led, had held that the appointment of the appellant-workman was contrary to the provisions of Articles 14 and 16 of the Constitution of India and he was not entitled to the relief of reinstatement

with back wages, but was held entitled to a compensation of Rs.30,000/-.

5. The aforesaid Award was challenged by the appellant-workman by filing CWP-11473-2016 and the learned Single Judge, vide impugned order, modified the same, as noticed above. Hence, the present appeal.

6. Learned counsel appearing for the appellant-workman has vehemently argued that while passing the impugned order, the learned Single Judge has failed to take into consideration that the appellant had rendered services with the respondent-Management for more than six years and that he had been litigating for redressal of his grievances for nearly 15 years and thus, the compensation of Rs.3,00,000/- awarded by the learned Single Judge is very much on the lower side. It is further argued that once, it was found that the appellant-workman was retrenched in violation of the provisions of the Act, the only relief which ought to have been granted to the appellant was reinstatement in service with back wages, but the Industrial Tribunal has failed to take into consideration the said aspect of the matter. Reliance has been placed upon the judgments passed by the Hon'ble Supreme Court in **Devinder Singh vs Municipal Council, Sanaur**, AIR 2011 Supreme Court 2532 and that of this Court in **Haryana State Agriculture Marketing Board vs. Sachin and another**, (2011) 129 FLR 71.

7. On the other hand, learned counsel appearing for the respondent-Management has vehemently argued that while passing the impugned order, the learned Single Judge has failed to take into consideration that the appellant-workman was guilty of criminal acts in manhandling and assaulting the Director of the Seed Farm of the

respondent-Management. It is further argued that the appellant-workman had admitted in his cross-examination that an FIR had been registered against him. It is, thus, argued that a person who is guilty of criminal offence(s) is not entitled to any indulgence, what to talk of the grant or enhancement of compensation. It is, accordingly, prayed that the impugned order passed by the learned Single Judge be set aside.

8. We have heard learned counsel for the parties and have also gone through the impugned order.

9. In our opinion, the only question that arises for consideration in the present appeal is whether the impugned order requires any interference by this Court.

10. A perusal of the impugned order would show that after noticing various judgments of the Hon'ble Supreme Court and further considering the fact that the appellant-workman was not a regular employee of the respondent-Management and his engagement being contrary to the provisions of Articles 14 and 16 of the Constitution, it was held by the learned Single Judge that the only indulgence required was to enhance the compensation from Rs.30,000/- to Rs.3,00,000/-. The relevant extract from the order reads as under:-

“15. Accordingly, in my considered view, the interest of justice would be met if the compensation awarded to the petitioner by the Tribunal is enhanced from Rs.30,000/- to Rs 3,00,000/- The respondent-Management is directed to pay the enhanced amount of compensation to the petitioner (after adjusting Rs.30,000/- awarded by the Tribunal below, if already

paid) within a period of three months from the date of receipt/presentation of a certified copy of this order. In case of non-payment of the amount to the petitioner within the stipulated period, the petitioner shall be entitled to claim simple interest at the rate of 6% per annum from the date of expiry of aforesaid period of three months till such time payment is made. Consequently, the Award dated 02.06.2014 (Annexure P-8) passed by the Tribunal shall stand modified to the extent indicated above.”

11. We find that at the time of alleged retrenchment i.e., 29.04.2008, the appellant-workman had put in more than 6 years of service. The learned Single Judge, while enhancing the compensation to Rs.3,00,000/- has taken into consideration that he had been litigating for the last 15 years. Though the learned counsel for the respondent-Management had tried to argue that as a criminal case was registered against the appellant-workman, he was not entitled to the grant of compensation, yet we find that taking into consideration the observations made by the learned Single Judge, there is no need to go into the said argument, particularly, when no such argument was raised before the learned Single Judge. Still further, a perusal of the award dated 02.06.2014 passed by the learned Tribunal would show that the name of the appellant-workman did not figure in the FIR, Ex.M/4.

12. In view of the above, we do not find any ground to interfere with the impugned order dated 28.11.2023 passed by the learned Single

Judge.

13. Accordingly, both the appeals are hereby dismissed.
14. Pending application(s), if any, shall also stand disposed of.

**[SUDHIR SINGH]
JUDGE**

**[SUKHVINDER KAUR]
JUDGE**

18.03.2025
Janki

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