

2025:PHHC:084312-DB



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

LPA-1200-2025 (O&M)
Date of Decision:- 08.07.2025

UMESH NAYAK

.....Appellant

Versus

STATE OF HARYANA & ORS.

.....Respondents

**CORAM: HON'BLE MR. JUSTICE SUDHIR SINGH
HON'BLE MR. JUSTICE ALOK JAIN**

Present:- Mr. Shokeen Singh Verma, Advocate for the appellant.

Mr. Ankur Mittal, Additional AG, Haryana with
Mr. Gaurav Bansal, DAG, Haryana and
Mr. Karan Jindal, Asst. AG, Haryana.

SUDHIR SINGH, J.

CM-2933-LPA-2025

For the reasons given in the application the same is allowed and the delay of 222 days in filing the appeal is condoned, subject to all just exceptions.

LPA-1200-2025

Challenge in the present intra Court appeal is to the order dated 13.08.2024 passed by the learned Single Judge, whereby the writ petition filed by the appellant has been dismissed.

2. Before the learned Single Judge, the appellant (writ petitioner) had laid challenge to the award dated 06.11.2023 (Annexure P-12 with the writ petition), whereby the industrial

disputes raised by him was answered in negative.

3. As per the facts on record, the appellant was appointed by respondent No.4-Company (for short hereinafter referred to as the Management) as a Senior Designer Civil & Structure on 22.03.2011 and after having cleared the probation period, he was allotted an employee code. It was further the case of the appellant that his services were dispensed with by the respondent-Management on 13.01.2017 without any notice, enquiry or payment of any compensation. The claim of the appellant was resisted by the respondent-Management on the ground that the appellant-workman had himself resigned and also received the entire legal dues. It was further asserted that as the services of the appellant-workman were never terminated by the respondent-Management, there was no question of payment of any retrenchment compensation. The Labour Court, on the basis of the pleadings of the parties and evidence on record, directed the respondent-Management to pay a compensation of Rs. 4.5 Lakh to the appellant. The said award has been upheld by the learned Single Judge, as noticed above.

4. Learned counsel appearing for the appellant-workman has vehemently argued that while passing the impugned order, the learned Single Judge, has completely overlooked the grievance of the appellant raised in the writ petition. It is further argued that besides raising the issue of illegal termination of his services by the respondent-Management, the appellant-workman had also raised his grievances in respect of payment of no compensation and further withholding the amount of overtime wages. It is further argued that

merely because the appellant had worked from October, 2017 to May, 2018 with a company at Kuwait and thereafter, from July, 2018 to October, 2019 with a company at Noida, was no ground to hold that the appellant was not entitled to the reinstatement in service, particularly when his services had been terminated without following the proper procedure as laid down under the provisions of Industrial Disputes Act, 1947. It is also argued that the factum of the appellant being 80 percent disable, has totally been ignored by the learned Single Judge while passing the impugned order. Accordingly, a prayer has been made for setting aside the impugned order.

5. We have heard learned counsel for the appellant and have also gone through the record of the case, including the impugned order.

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

7. We find that both the Labour Court and the learned Single Judge, have found that after the termination of the services of the appellant, he had worked in a company at Kuwait from October, 2017 to May, 2018 and thereafter, from July, 2018 to October, 2019 with a company at Noida and still further, he had worked with M/s Esteem Product Private Limited Noida from October, 2018 till the date of passing of the award. It was further found that the said factum of him being gainfully employed was not disclosed in the affidavit filed by the appellant.

8. We find that in the given facts and circumstances of the

case, where the appellant had been gainfully employed with the other companies after the alleged termination of his services, the award of compensation of Rs.4.5 Lakh by the Labour Court and upheld by the learned Single Judge, cannot be said to be unjustified. As a matter of fact, the said award of compensation serves the ends of justice.

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

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

[SUDHIR SINGH]
JUDGE

[ALOK JAIN]
JUDGE

08.07.2025
himanshu

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