

2025.PHHC.033709-DB



LPA-2278-2024 (O&M)
DATE OF DECISION: 18.03.2025

PUNJAB AGRICULTURAL UNIVERSITY (SEED FARM)

... APPELLANT

V/S

AMARJEET SINGH AND OTHERS

... RESPONDENTS

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

Present: Mr. Sanjeev Sharma, Advocate,
for the appellant.

Mrs. Hema Kakkar, Advocate (Legal Aid Counsel)
for respondent No.1.

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

* * *

SUDHIR SINGH, J.

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-16602-2014) filed by the respondent-workman was disposed of by modifying the Award dated 02.06.2014 and accordingly, the amount of Rs.27,000/- awarded as compensation to the respondent-workman was enhanced to Rs.2,50,000/-.

2. Before the learned Single Judge, the respondent-workman had laid challenge to the award dated 02.06.2014 (Annexure P-1 with the writ petition) passed by the Industrial Tribunal, Patiala, whereby compensation of Rs.27,000/- had been granted to him.

3. The facts, in brief, are that the respondent-workman had worked with appellant-Punjab Agricultural University (Seed Farm) (here-in-after referred to as 'the appellant-Management) as Beldar (Seed Farm), Nabha from 11.03.2003 to 20.04.2008 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 respondent-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.27,000/-.

5. The aforesaid Award was challenged by the respondent-workman by filing CWP-16602-2014 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-Management has vehemently argued that while passing the impugned order, the learned Single Judge has failed to take into consideration that the respondent-workman was guilty of criminal acts in manhandling and assaulting the Director of the Seed Farm of the appellant-Management. It is further argued that the respondent-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.

7. On the other hand, the learned counsel appearing for respondent No.1-workman, while defending the impugned order passed by the learned Single Bench contends that the said order does not require any indulgence and the compensation was enhanced by the learned Judge keeping in view the service put in by the respondent-workman and him having faced the protracted litigation. It is, further submitted that the learned Tribunal had found that no FIR had been registered against the respondent-workman.

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

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 respondent-workman was not a regular employee of the appellant-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.27,000/- to Rs.2,50,000/-. The relevant extract from the order reads as under:-

“15. In the afore-mentioned facts and circumstances and considering the fact that the petitioner was not a regular employee and it has not been shown that due process was followed while appointing the petitioner; therefore, the Tribunal has rightly not granted relief of reinstatement with continuity of service and back wages to the petitioner. However, taking note of the fact that the petitioner had worked from October 2003 to March 2008 i.e. for almost 4½ years and his services were

terminated in violation of the provisions of Section 25-F of the 1947 Act; coupled with the fact that the respondent-Management has not laid any challenge to the award passed by the Tribunal and also that the services of the petitioner were terminated on 29.04.2008 i.e. almost 15 years ago and petitioner had been litigating since 2009; I am of the considered opinion that the compensation awarded to the petitioner is on the lower side. 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.27,000/- to Rs.2,50,000/-. Accordingly, the respondent-Management is directed to pay the enhanced amount of compensation to the petitioner (after adjusting Rs.27,000/- 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 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-1) 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 respondent-workman had put in more than 4 years of service. The learned Single Judge, while enhancing the compensation to Rs.2,50,000/- has taken into consideration that he had been litigating for the last 15 years. Though the learned counsel for the appellant-Management had tried to argue that as a criminal case was registered against the respondent-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 respondent-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, the present appeal is hereby dismissed.
14. Pending application(s), if any, shall also stand disposed of.

[SUDHIR SINGH]
JUDGE

18.03.2025
Janki

[SUKHVINDER KAUR]
JUDGE

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