



CWP-10270-2016

1

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

(114)

CWP-10270-2016

Date of Decision : 04.12.2025

Saroj

...Petitioner

Versus

The Presiding Officer, Industrial Tribunal
cum Labour Court, Chandigarh and another

...Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Sushil Jain, Advocate
for the petitioner.

Mr. Rohit Kaushik, Advocate
for respondent No.2-U.T. Chandigarh.

KULDEEP TIWARI, J.(ORAL)

1. The petitioner/workman, has thrown a challenge to the award dated 20.05.2015 (Annexure P-3), passed by the learned Industrial Tribunal concerned, by filing the instant writ petition, cast under Article 226 of the Constitution of India, seeking issuance of a writ in the nature of certiorari, on the principle ground, that though the act and conduct of termination of services of the petitioner/workman, was found to be illegal. Despite that granting re-instatement to the petitioner/workman, she was granted a meagre compensation of Rs.45,000/-, only, by the learned Tribunal concerned.

2. Before this Court delves into in evaluating the validity of the award (supra), it is imperative to have a glimpse upon the facts of the case, *qua* which, there is no wrangle between the parties concerned.

**CWP-10270-2016****2**

3. The petitioner had applied against an advertisement in the year 1995, for the post of a part time Sweeper, and after interview, she was selected for the said post. She had joined the duty as Sweeper, in the month of May, 1995, and worked upto 03.07.2009. However, she was asked not to report for work after 13.07.2009, and no chargesheet was ever served upon the petitioner, nor any order of termination of her services was passed. Fetching grievance from the act of the respondent, the petitioner filed a demand notice dated 05.08.2009 (Annexure P-1), upon which, a reference was made on 19.04.2010, to the Labour Court concerned, to adjudicate the issue, as to whether, the services of the petitioner/workman, were terminated illegally by the Deputy Commissioner, U.T. Chandigarh (respondent No.2). If so, to what relief the petitioner is entitled?

4. Learned Tribunal concerned finds that the services of the petitioner/workman were terminated illegally, as it is a positive case of the respondent/Management that she has refused to clean the office of Additional Deputy Commissioner, U.T. Chandigarh, and therefore, she was asked not to report for work, w.e.f. 03.07.2009, without there being initiation of any departmental proceedings, or passing of any order of termination of her services.

5. Now the issue, which arises for consideration before this Court is, as to whether, the petitioner was entitled for re-instatement, as prayed for, and, if at all, she is not entitled for re-instatement, the compensation so awarded to the petitioner, is adequate or not.

6. Learned counsel for the petitioner submits that he would not wish to address the issue, with regard to re-instatement, considering the lapse of time, as her services were terminated way back in the year 2009, and



therefore, he would address the arguments, only with regard to the compensation awarded to the petitioner/workman, is adequate or not. He has placed reliance upon the judgment rendered by the Division Bench of this Court, in **CWP-11057-2001**, titled '**State of Haryana versus Surjeet and another**' decided on 30.07.2025, wherein, the workman was held entitled to lump sum compensation of Rs.50,000/-, for each completed year of service. The relevant observation is extracted hereinafter :-

“6. As per the settled principle of law settled by the Division Bench of this Court in LPA No.1203-2021 titled as Sukhbir Singh vs. State of Haryana and others decided on 01.03.2023, an employee is entitled for compensation in lieu of benefit of reinstatement in service. Relevant paragraphs of the said judgment are as under:-

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 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 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.

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 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 back wages of 50% which was granted and accordingly, modified.”

7. A bare perusal of the above reproduction would show that for each completed year, instead of reinstatement, a workman can be paid compensation to the tune of Rs.50,000/ for each completed year. Keeping in view the fact that in the present case, respondent No.1-workman had worked for a period of more than 06 years, he becomes entitled for sum of Rs.3,00,000/- on the said account.”

7. Further, he has also placed reliance upon the judgment rendered by Division Bench of this Court, in case titled **‘Municipal Council, Dina Nagar versus Presiding Officer, Labour Court, Gurdaspur and another’** decided on 29.11.2014, wherein, considering the facts and circumstances of the said case, the workman was awarded a lump sum compensation of Rs.1,00,000/-, for each completed year of service.



8. Finally, he submits that in the instant case, the petitioner/workman, has undisputedly worked for about 14 years, therefore, following the ratio laid down by this Court, in the judgment (supra), the petitioner/workman is entitled for compensation to the tune of Rs.14,00,000/-.

9. On the other hand, learned counsel for the respondent No.2, submits that the petitioner/workman, was a part time worker, and she was adequately compensated by the learned Tribunal concerned, requiring no interference of this Court, in the award (supra), and further, prayed for dismissal of the instant writ petition.

10. In order to appreciate the submissions made by the learned counsel for the parties concerned, it is imperative to have a glimpse upon the ratio laid down by the Division Bench of this Court, in **CWP-11057-2001**, titled '**State of Haryana versus Surjeet and another**' decided on 30.07.2025, as reproduced hereinabove. Furthermore, the observations as made by the Division Bench of this Court, in case titled '**Municipal Council, Dina Nagar versus Presiding Officer, Labour Court, Gurdaspur and another**' decided on 29.11.2014, are extracted hereinafter :-

"10. We have heard learned counsel for the parties and have gone through the record of the case including the award passed by the labour Court, the judgment by the learned Single Judge as also the judgment rendered by a Full Bench referred to above.

11. The undisputed facts which emerge are that all the respondent-workmen were either working as peons or clerks with the appellant-management. Their period of service were rather short ranging between 2 to 3 years. It is further undisputed that their nature of appointment was contractual and before they were appointed, there was no



advertisement issued, consequently no applications were received and thus, their appointments were not by following a fair and transparent selection procedure.

12. When the principles so enunciated by the Full Bench decision quoted above are applied to the facts of these cases, the only conclusion, we can arrive at is that even if it is held that the services of the respondent-workmen were terminated in violation of the provisions of the Industrial Disputes Act, 1947, they do not deserve to be reinstated in service. Irrespective of the above, the fact remains that the appellant has illegally terminated the services of the respondent-workmen. Since we have held that in the facts of the case in hand and as per the principles enunciated by the Full Bench decision of this Court referred to above, the respondent-workmen are not entitled to reinstatement, according to us, the equities can be evenly balanced by awarding compensation to the respondent-workmen in lieu of reinstatement.

13. After carefully considering the entire gamut of facts, we direct that the category of respondent-workmen who had been working as clerks with the appellant would be entitled to compensation of 1,25,000/- for each completed year of service rendered by them. So far as the category of respondent-workmen who had served the appellant as peons before they were relieved, are concerned, they are held entitled to compensation of ₹ 1,00,000/- for each completed year of service rendered by them with the appellant. For the period of service beyond a completed year, the respondent-workmen shall be entitled to prorata payment as granted above.”

11. Earlier, this Court in **CWP-9878-2000**, titled **‘Municipal Council, Pathankot versus Presiding Officer, Labour Court, Gurdaspur and another’** decided on 11.11.2025, has held as under :-



“9. In the present case, respondent No.2/workman had rendered approximately six years of unblemished service. Having regard to the totality of the circumstances, this Court is of the considered view that the ends of justice would be met by awarding to respondent No.2/workman a lump-sum compensation of ₹ 50,000/- per completed year of service, aggregating to ₹ 3,00,000/-.”

12. In the instant case, the petitioner/workman, was a part time Sweeper, and there is no dispute in this regard. Considering the totality of circumstances, and the nature of the job rendered by the petitioner/workman, for about 14 years, and other litigating circumstances, this Court is of the considered opinion that the petitioner/workman, can be adequately compensated, by directing the respondents/Management, to pay Rs.50,000/-, for each completed year of service, as lump sum compensation to the petitioner/workman.

13. Consequently, the petitioner/workman is entitled for lump sum compensation of Rs.7,00,000/-. Since the petitioner/workman has already received Rs.45,000/-, as compensation, therefore, she would now be entitled to remaining lump sum compensation of Rs.6,55,000/- (Rs.7,00,000-45,000), which shall be payable to her, within a period of six weeks, from the date of receipt of certified copy of this order, failing which, she would further be entitled for the interest @ 9% per annum.

14. Accordingly, the instant writ petition is **allowed**, in the aforesaid terms.

(KULDEEP TIWARI)
JUDGE

December 04, 2025
Manpreet