

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

219-6

Decided on : 07.05.2025

CWP-14519-2015 (O&M)

BALWINDER SINGH ..PETITIONER
V/S

INDUSTRIAL TRIBUNAL PATIALA AND ORS
...RESPONDENTS

CWP-13628-2015 (O&M)

SURINDER SINGH ..PETITIONER
V/S

INDUSTRIAL TRIBUNAL PATIALA AND ORS.
...RESPONDENTS

CWP-6464-2016 (O&M)

NIRBHAI SINGH ..PETITIONER
V/S

INDUSTRIAL TRIBUNAL PATIALA & ORS
...RESPONDENTS

CWP-6479-2016 (O&M)

SURJIT SINGH ..PETITIONER
V/S

INDUSTRIAL TRIBUNAL PATIALA & ORS
...RESPONDENTS

CWP-6511-2016 (O&M)

LAKHVIR SINGH ..PETITIONER
V/S

INDUSTRIAL TRIBUNAL PATIALA & ORS
...RESPONDENTS

CWP-14971-2016 (O&M)

JAGROOP SINGH ..PETITIONER
V/S

INDUSTRIAL TRIBUNAL PATIALA & ORS.
...RESPONDENTS



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and other connected cases

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CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

PRESENT: Mr. Vikas Singh, Advocate and
Ms. Anamika Sheoran, Advocate for the petitioners.

Ms. Akshita Chauhan, DAG, Punjab.

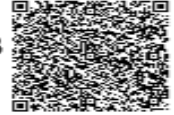
HARSIMRAN SINGH SETHI, J. (Oral)

1. Present bunch of six petitions, the details of which are mentioned in the heading, involve common point of law and common set of facts, hence, they are being dealt together. For the sake of convenience, facts are drawn from CWP No. 14519 of 2015.

2. In the present petition, the challenge is to the impugned award dated 04.11.2014 (Annexure P-5) by which, the termination of the services of the petitioner-workman at the hands of respondent-department were held to be bad but rather than to give the benefit of reinstatement in service to the petitioner, the Tribunal had granted the benefit of lump sum compensation of Rs. 50,000/- to the petitioner by violating the provision of the Industrial Disputes Act, 1947 (hereinafter referred as '1947 Act').

3. Learned counsel for the petitioner submits that the petitioner-workman was appointed by the respondents-department as a Block Publicity worker on 16.02.1996 and he was drawing the salary of Rs. 2000 per month and the services of the petitioner-workman were terminated by the respondents-department on 30.04.1997 by violating the provisions of 1947 Act.

4. Learned counsel for the petitioner further submits that the said action of the respondent-department was challenged by the petitioner-workman but, vide impugned award dated 24.10.2000 (Annexure P-1),



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petitioner-workman was reinstated in service by the respondents-department but without giving the benefits of back-wages.

The said award dated 24.10.2000 (Annexure P-1) was challenged by the respondents-department by filing a writ petition before this Court bearing CWP No. 19035 of 2001 and the said writ petition was dismissed by this Court and ultimately the impugned award 24.10.2000 (Annexure P-1) was implemented and the petitioner-workman was reinstated in service by the respondents-department.

Thereafter, again, the services of the workman were terminated w.e.f 30.09.2009 which action of the respondents-department was made the subject matter before the labour Court and the labour Court, though held that again the services of the petitioner-workman have been terminated in violation of 1947 Act but, on the ground that there is no vacancy on the post on which the petitioner-workman was working, he has only been paid the lump-sum compensation of Rs. 50,000/-.

5. Learned counsel for the petitioner further submits that once, the findings have been recorded by the Tribunal that the services of the petitioner-workman were terminated in violation of the 1947 Act, the petitioner-workman should have been reinstated in service rather than being granted with the benefit of lump-sum compensation of Rs. 50,000/-.

7. Learned counsel for the respondents-State submits that once, the post on which the petitioner-workman was working was no longer in existence and the benefit of lump-sum compensation of Rs. 50,000/- has been paid to the petitioner-workman, which was not accepted by the petitioner-workman, it cannot be said that the services of the petitioner-workman were terminated by the respondents-department in an arbitrary manner and in



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violation of 1947 Act, but even then, the lump-sum compensation of Rs. 50,000/- has been granted to the petitioner-workman, hence, the impugned award dated 04.11.2014 (Annexure P-5) passed by the labour Court may kindly be upheld.

8. I have heard learned counsel for the parties and have gone through the case file with their able assistance.

9. The plea of the petitioner-workman is that he should have been granted with the benefits of reinstatement in service alongwith consequential benefits rather than being granted with the compensation to the tune of Rs. 50,000/-

The relief has to be granted by the Court keeping in view the facts of a particular case. Once, it is not disputed that the post on which the petitioner-workman was working with the respondents-department is no longer in existence, no benefit of reinstatement in service could have been ordered by the labour Court in its award impugned. The impugned award dated 04.11.2014 (Annexure P-5) passed by the Labour Court denying the benefit of reinstatement in service to the petitioner-workman cannot be treated as perverse to the facts and evidence which has come on record.

10. Further, effectively, the petitioner-workman has only worked for one year with the respondents-department. Keeping in view the said actual services discharged by the petitioner-workman, the compensation of Rs. 50,000/- has been granted to the petitioner-workman.

11. As per the settled principle of law as settled by a Division Bench of this Court in **LPA No. 1203 of 2021 titled Sukhbir Singh versus State of Haryana and others, decided on 01.03.2023**, the compensation can be granted to an employees who are not working against the regular post and



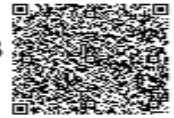
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there is difficulty in reinstating the services of such kind of employees with back-wages. The relevant paragraph nos.6 and 7 of the same are reproduced as under:-

*“**Para No. 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 not 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.*

***Para no.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)*



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SCT 415, for a period of little over 4 years, amount awarded was Rs.2,50,000/- in lieu of the reinstatement and backwages of 50% which was granted and accordingly, modified. ”

12. Keeping in view of the above, as the effective service discharged by the petitioner-workman with the respondents-department was for a period of only one year, the benefit of compensation has already been granted to the petitioner-workman to the tune of Rs. 50,000/- that is commensurate to the settled principal of law as is being settled by a Division Bench of this Court **Sukhbir Singh's case (supra).**

13. Even otherwise, the impugned award dated 04.11.2014 (Annexure P-5) of the Labour Court can only be interfered in case the same is perverse to the facts or law. In the present case, no perversity has been shown to this Court with the impugned Award that the same is contrary to the facts or evidence that have come on record or to the settled principle of law.

14. Hence, no ground is made out for any interference by this Court in the facts and circumstances of the present case.

15. Accordingly, the writ petition is dismissed.

16. Pending civil miscellaneous application, if any, stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

07.05.2025

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Whether speaking/reasoned:

Yes/~~No~~

Whether Reportable:

~~Yes~~/No