



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(232)

CWP No. 16041 of 2015 (O&M)

Date of Decision : 16.07.2025

Lakhmi Chand

...Petitioner

Versus

Block Development and Panchayat Officer, Bawal, District Rewari and
others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Vineet Yadav, Advocate for the petitioner.

Mr. Saurabh Girdhar, Assistant Advocate General, Haryana.

Mr. R. D. Yadav, Advocate for respondent No. 2.

Harsimran Singh Sethi J. (Oral)

1. In the present petition, the challenge is to the Award dated 13.03.2015 (Annexure P-3) passed by the Labour Court vide which the benefit of reinstatement along with full back wages is being denied to the petitioner-workman which is arbitrary and illegal.

2. Learned counsel for the petitioner-workman argues that the benefit of reinstatement along with full back wages claimed before the Labour Court has been denied to the petitioner-workman on the ground that he has not proved that he has worked for 240 days prior to the termination of his services on 31.07.2009. Learned counsel for the petitioner-workman submits that while raising the said claim, the petitioner-workman had mentioned in paragraph 2 that as the petitioner was not given the salary for the period from 17.07.2008 till 31.10.2009 for which, he had approached the



authorities concerned under the Payment of Wages Act, 1936 and an order dated 20.11.2012 (Annexure P-1) was passed by the competent authority to pay the petitioner-workman a sum of ₹44,109/- for the period from 17.07.2008 till 31.10.2009, which fact has been conceded by the respondents in their written statement, which is clear from the reply filed by the respondent No. 1, a copy of which has been appended as Annexure P-2 but the Labour Court while passing the Award dated 13.03.2015 (Annexure P-3) has failed to take notice of the said conceded fact while recording the finding that the petitioner-workman failed to prove the completion of 240 days in order to become entitle to claim the retrenchment/compensation under Section 25F of the Industrial Disputes Act, 1947 (hereinafter referred to as '1947 Act'). Learned counsel further submits that the Award dated 13.03.2015 (Annexure P-3) passed by the Labour Court is perverse to the facts which were brought on record and rather the same has been passed by ignoring the facts & circumstances of the present case.

3. Learned counsel for the respondents submits that the petitioner-workman was required to prove his admission with the help of appointment order and termination order and the days for which he has worked which he failed to prove and, therefore, the Award dated 13.03.2015 (Annexure P-3) is valid and may kindly be upheld.

4. I have heard learned counsel for the parties and have gone through the record with their able assistance.

5. In the claim petition, the petitioner raised the grievance that he had worked from 17.07.2008 to 31.10.2009 and stated that the competent authority under the Payment of Wages Act, 1936 vide order dated 20.11.2012



(Annexure P-1) directed that the payment of ₹44,109/- for the said period which has been complied with by the respondents. The relevant response to the said assertion is in the reply to the claim petition which is appended as Annexure P-2 and the same is as under :-

“2. The Para No.-2 is wrong and not accepted. The wages of the petitioner Rs. 44109/- for the period 17-07-2008 to 31-10-2009 has been paid. The petitioner is in habit to absent from work, therefore, the petitioner was removed for not doing Gram Panchayat work properly.”

6. A bare perusal of the above reproduction would show that the respondents conceded that the petitioner worked for 240 days but only submitted that he has been removed from the service as he was not doing the work properly. The Labour Court while passing the Award dated 13.03.2015 (Annexure P-3) has ignored the said conceded fact in the pleadings which was on record while recording the finding that the petitioner has failed to prove that he had worked for 240 days in 12 months preceding the date of termination i.e. on 31.10.2009. The said finding cannot be upheld being contrary to the facts brought on record and the same is accordingly set-aside.

7. Once, the petitioner-workman has proved that he has worked for 240 days and has further proved that there was no compliance of Section 25-F of 1947 Act, the termination of the services even if the same is being done on the ground that the petitioner-workman was not performing the duties properly, cannot be upheld.

8. The foremost question which arises now is that even if the termination was bad, what benefit can be granted to the petitioner-workman.



It may be noticed that the petitioner-workman had only worked for approximately one year. He was also working on a temporary basis and not on a permanent basis. Further, he is out of the job for the last 16 years.

9. As per the settled principle of law, the reinstatement can only be granted in case a person has a lien on a post and can be put back on the said post. In the present case, the petitioner-workman did not had any lien on the post he was working temporarily hence, it is a fit case keeping in view the fact that the length of service of the petitioner with the respondents is only one year, the petitioner be paid the compensation.

10. As per the settled principle of law settled by the Division Bench of this Court in LPA No. 1203 of 2021 titled as ***Sukhbir Singh Vs. State of Haryana and others***, decided on 01.03.2023, for each completed year, the compensation to be paid is @ ₹50,000/- in case, benefit of reinstatement in service is not granted to the petitioner-Workman. Relevant paragraphs No. 6 and 7 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 not 3 of 5 Neutral Citation No:= 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 backwages of 50% which was granted and accordingly, modified.”

11. Keeping in view the principle of law noticed here-in-before, as the petitioner-workman has more than one year of service, it will be in fitness of things that the petitioner-workman be paid a sum of ₹1 lac as full and final settlement within a period of eight weeks from the date of receipt of copy of this order. In case, the said amount is not paid, the same will also carry interest @ 6% per annum from today onwards.

12. Writ petition is allowed in above terms.

13. Pending miscellaneous application, if any, also stands disposed of.

July 16, 2025
kanchan

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No