

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

244

CWP-17147-2022

Date of Decision : October 29, 2025

PARGAT SINGH

-PETITIONER

V/S

STATE OF PUNJAB AND OTHERS

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Ravi Gakhar, Advocate
for the petitioner.

Ms. Pratibha Bali, A.A.G., Punjab.

KULDEEP TIWARI, J. (ORAL)

1. The present writ petition challenges the award dated 09.08.2021 (Annexure P-1), whereby the Industrial Tribunal, Patiala, despite recording a categorical finding of violation of Section 25-F of the Industrial Disputes Act, 1947 (hereinafter referred to as “the I.D. Act”), declined to grant the relief of reinstatement to the petitioner-workman and awarded only a total sum of ₹ 35,000/- as compensation, relying on the judgment of the Hon’ble Supreme Court in “*Haryana State Electronics Development Corporation Ltd. v. Mamni*”, 2006 (2) LLJ (SC) 744.

2. Concisely and compendiously, the petitioner-workman was appointed as Chowkidar at Mini PHC, Gajju Majra, District Patiala, on a temporary basis, at a monthly remuneration of ₹ 2,500/-. He joined service on 11.07.2011 and continued to serve until 03.08.2017, when his services were terminated by the respondent-management. Aggrieved by the termination, the workman filed a claim petition, which was

subsequently converted into a reference under Sections 2-A and 10(1)(c) of the I.D. Act. The Industrial Tribunal found that the workman had completed 240 days of service in the preceding year, and that his services were terminated without issuance of a charge sheet, holding any enquiry, or payment of compensation. Consequently, while recording a violation of Section 25-F of the I.D. Act, the Industrial Tribunal, by the impugned award, declined reinstatement in view of the decision in *Mamni's case (supra)* and granted a total compensation of ₹ 35,000/-.

3. Learned counsel for the petitioner-workman contends that the workman served the respondent-department for approximately six years. Once the Industrial Tribunal acknowledged that the workman had completed 240 days of service in the preceding year, and that Section 25-F had been violated, he ought to have been considered for reinstatement. It is further submitted that, if this Court is of the view that reinstatement is not feasible, the petitioner should be awarded adequate compensation in accordance with the judgment of the Division Bench of this Court in *CWP-11057-2001, State of Haryana v. Surjeet and another, decided on 30.07.2025*.

4. Learned State counsel, on the other hand, submits that the petitioner, being a temporary employee, was discharged on 03.08.2017 due to non-availability of funds. Since his appointment was purely temporary, as a stop-gap arrangement, he cannot claim reinstatement. However, the respondent does not dispute that the petitioner may raise the issue of adequacy of compensation in light of *Surjeet's case (supra)*.

5. This Court has heard learned counsel for the parties and

perused the record. As regards the relief of reinstatement, this Court concurs with the view of the Industrial Tribunal. The petitioner was engaged purely on a temporary basis, and the management had no further requirement for his services. Moreover, there is no allegation that any junior employee was retained after his termination. Thus, it is a case of violation of Section 25-F simpliciter, and the Industrial Tribunal rightly denied reinstatement.

6. Now, the remaining issue to be addressed pertains to the quantum of compensation. In this regard, it is appropriate to refer to the judgment rendered in *Surjeet's case (supra)*, wherein the workman was held entitled to lump sum compensation of ₹ 50,000/- for each completed year of service. The relevant observations are as follows:

“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. In the present case, the petitioner-workman rendered approximately six years of service with an unblemished record. Further, *albeit*, impugned award was passed as back as back as in the year 2021, the petitioner-workman had been pursuing his cause since 2018. Having regard to the totality of the facts, this Court is of the considered view that it would meet the ends of justice to award the petitioner-workman compensation of ₹ 1,00,000/- for each completed year of service, amounting in all to ₹ 6,00,000/-, as lump sum compensation.

8. Consequently, the impugned award is modified to the extent that the petitioner-workman is entitled to compensation of ₹ 1,00,000/- per year of service, totaling ₹ 6,00,000/- as lump sum compensation.

9. The respondent-management is directed to remit the aforesaid amount to the petitioner-workman within six weeks from the receipt of a certified copy of this order, failing which petitioner shall be entitled to 9% interest per annum..

10. Disposed of accordingly.

October 29, 2025
monika/devinder

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No