



CWP-25677-2013

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

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**CWP-25677-2013 (O&M)
Date of decision : 17.03.2025**

ZILA PARISHAD LUDHIANA AND ANR

..... Petitioners

VERSUS

**PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, LUDHIANA
AND ANR**

..... Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present :- Mr. P. S. Khurana, Advocate with
Mr. Ajay Kamboj, Advocate
for the petitioners.

Mr. Sarwan Sehgal, Advocate
for respondent No.2.

Harsimran Singh Sethi, J. (Oral)

1. In the present petition, the challenge is to the award dated 04.07.2013 (Annexure P-1) by which, the direction has been given to reinstate the respondent No.2-workman in service along with continuity of service and 25% backwages.

2. Learned counsel for the petitioners argues that the claim of the petitioners is that the respondent No.2-workman was appointed as a Beldar on work charge basis from 15.11.1995 and his services were terminated on 07.04.1997.



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3. Learned counsel further submits that the respondent No.2-workman was not appointed on any regular post and had worked for even less than two years before his services were terminated hence, as there was no regular employment and respondent No.2-workman was working on daily wage basis, the grant of benefit of reinstatement with continuity of service and 25% backwages is liable to be modified to the extent that the compensation be paid to the respondent No.2-workman.

4. Learned counsel for the respondent No.2-workman submits that once the termination of the services of the respondent No.2-workman was held to be bad, the grant of benefit of reinstatement in service with continuity of service and 25% backwages is perfectly valid and impugned award is liable to be upheld.

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

6. Once, the respondent No.2-workman was not working regularly but was only a daily wage employee and has only worked for only one year and six months, coupled with the fact that there was no regular post available for reinstatement, keeping in view the settled principle of law settled by Division Bench in **LPA-1203 of 2021 titled 'Sukhbir Singh Vs State of Haryana and others, decided on 01.03.2023**, the Tribunal should have allowed compensation in favour of the respondent No.2-workman.

7. As per the judgment in ***Sukhbir Singh's*** supra, the compensation needs to be paid at the rate of Rs.50,000/- for each completed year and as the respondent-workman had worked for approximately more

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than 1½ years, the respondent No.2-workman be paid a sum of Rs.1 lakh as full and final payment by the service rendered by him. Let the amount be released in favour of the respondent No.2-workman within a period of 08 weeks from the date of the receipt of certified copy of this order. In case of failure, the amount of Rs.1 lakh will also carry interest @ 6% per annum from the date of the passing of the award till the actual payment.

8. Present petition is disposed of in above terms.
9. Pending applications, if any, also stand disposed of accordingly.

(HARSIMRAN SINGH SETHI)
JUDGE

17.03.2025

Rimpal

Whether speaking/reasoned	Yes
Whether Reportable :	No