



CWP-2237-2014 (O&M) & -1-
CWP-2431-2014 (O&M)

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

231 (02 cases)

CWP-2237-2014 (O&M)
Date of Decision :20.02.2025

D.A.V Public School, Sector -3, Kurukshetra
and others

...Petitioner

Versus

Madan Lal and another

...Respondents

CWP-2431-2014 (O&M)

D.A.V Public School, Sector -3, Kurukshetra
and others

...Petitioner

Versus

Nand Lal and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

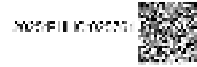
Present: Ms. Bindu Goel, Advocate with Mr. Pritish Goel, Advocate
for the petitioner-School (in both the petitions).

Mr. Raje Ram Kaushik, Advocate for respondent No.1
in both the petitions. (joined through video conferencing).

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Harsimran Singh Sethi, J. (Oral)

1. In the present set of two petitions, grievance being raised by the
petitioner-School is qua the award dated 29.11.2013 (Annexure P/6) passed



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by the Presiding Officer, Labour Court, Ambala by which, the respondents-Workmen were reinstated with continuity in service along with 50% back wages & in default the arrears of wages shall carry interest @ 9% per annum.

2. Learned counsel for petitioner-School submits that the respondents-Workmen were appointed on 01.04.2000 and they worked only up to 30.10.2001 after which date, they resigned from their services and not only this, even they had taken their provident fund cheque before even raising the claim qua the termination of their services, which fact has been totally ignored by the authorities concerned to hold that the respondents-Workmen have not resigned but their services were terminated.

3. Learned counsel for the petitioner-School argues that there was no discussion of the evidence which was brought on record before the Labour Court to show that the claim raised that the services of the respondent-Workmen were terminated in March, 2006 is an after thought as they had already taken their entitlement of the provident fund much before the said date as a full and final settlement.

4. Learned counsel for the petitioner-School has not been able to rebut the contention that the signatures of the respondents-Workmen were obtained on a blank papers, which was used to type their resignation dated 30.10.2001, which amounts to unfair labour practices.

5. Learned counsel for the respondents-Workmen submits that findings have been recorded on the basis of the material evidence and hence, the impugned award dated 29.11.2013 (Annexure P/6) may kindly be upheld.



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

7. It is a conceded fact that the respondents-Workmen had worked for a very less period with the petitioner-School. Nothing evident has come on record that work of the post on which the respondents-Workmen were working, is still available so as to the grant the benefit of reinstatement in service to the respondents-Workmen with continuity and 50% back wages.

8. Keeping in view the facts and circumstances of the present case, directing reinstatement in service with continuity and 50% back wages is not valid.

9. Learned counsel for the petitioner-School submits that a sum of Rs.1,68,000/- has already been paid to the respondents-Workmen under Section 17-B of the 1947 Act.

10. Keeping in view the totality of the facts and circumstances, the relief could have been granted by way of grant of compensation in favour of the respondents-Workmen. Hence, in the present cases, the respondents-Workmen are held entitled for the grant of a sum of Rs.75000/- each as compensation as a full and final settlement qua their dues with the petitioner-School. Let the aforementioned amount be released in favour of the respondents-Workmen within a period of 08 weeks from the date of receipt of copy of this order.

11. It may be noticed that whatever amount has already been paid under Section 17-B of the 1947 Act to the respondents-Workmen will not be considered while making payment of Rs.75,000/- each to the respondents-Workmen as a full and final settlement.



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- 12 Present petitions are disposed of in above terms.
- 13. Civil miscellaneous application pending, if any, is also disposed of.
- 14. A photocopy of this order be placed on the file of connected case.

February 20, 2025 **(HARSIMRAN SINGH SETHI)**
aarti **JUDGE**

Whether speaking/reasoned : Yes
Whether reportable : No