



CWP-25467-2014

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

(202)

CWP-25467-2014

Date of Decision : 12.12.2025

Avtar Singh

...Petitioner

Versus

Presiding Officer, Industrial Tribunal,
Bathinda and others

...Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARIPresent: Mr. Puneet Kumar Bansal, Advocate
for the petitioner.

Ms. Pratibha Bali, AAG, Punjab.

KULDEEP TIWARI, J. (ORAL)

1. The petitioner/workman, has thrown a challenge to order dated 29.01.2014 (Annexure P-1), passed by the learned Industrial Tribunal, Bathinda, vide which the claim of the petitioner/workman for re-instatement was declined.
2. The Coordinate Bench of this Court, vide order dated 15.01.2024, had passed the hereinafter extracted order, upon the instant writ petition :-

“Learned counsel for the petitioner submits that the petitioner was appointed seven times on the post of Clerk-cum-Computer Operator on contract basis (each time for 89 days). While issuing fresh appointment letter, a gap of 3-4 days was maintained by the respondent-Management and all the seven appointment letters were issued to petitioner-workman from the period 25.05.2004 to 18.02.2006. However, before ending of the service period on 18.02.2006, the services of the petitioner was terminated on 23.01.2006.



*Learned Tribunal has declined the reference against the petitioner-workman primarily on the ground that the appointment was on contractual basis for a specific period and thus, same is covered by Section 2 (oo) (bb) of the Industrial Disputes Act, 1947. While challenging the said finding, learned counsel for the petitioner points out to all the zimni orders appended with the writ petition as Annexures P-2 to P-8 and relies upon the Division Bench judgments passed by this Court i.e. **Director, Health and Family Welfare, Punjab v. Baljinder Singh and another 2006(2) S.C. T.105 and Municipal Council, Bina Nagar v. Presiding Officer, Labour Court, Gurdaspur and another 2015(1)RSJ 765:2014 (70) R.C.R. (Civil) 119.***

However, while addressing his arguments, learned counsel for the petitioner-workman submits that during the pendency of the present writ petition, petitioner-workman has crossed the age of superannuation.

Thus, in the eventuality of an observation that the termination of the petitioner-workman is in violation of Section 25-F of the Industrial Disputes Act, his interest can be looked after by making payments of lump-sum amount of the compensation.

Learned State counsel seeks some time to confirm the appointment letters referred by the petitioner-workman.

Adjourned to 30.01.2024.”

3. In deference to the directions (supra), today, learned counsel for the State, on instructions imparted to her from the quarter concerned, apprises this Court that the petitioner/workman worked intermittently for about one and half year (i.e. for 89 days each time), with a gap of one day every time.

4. On the other hand, learned counsel for the respondent/State, submitted that there is no dispute with regard to the fact that there is infraction

of Section 25(F) of the Industrial Disputes Act, 1947. She, further admitted



the fact that the petitioner/workman, has worked for one and a half year, intermittently, and his services were terminated, way back in the year 2006, therefore, the learned Tribunal concerned, has rightly not passed the award regarding re-instatement of the petitioner/workman, and no compensation was awarded to him.

5. This Court has considered the rival submissions made by the learned counsel for the parties concerned, and has gone through the available record.

6. It is trite law that in case, termination of services of workman was found to be illegal, on account of infraction of Section 25(F) of the ID Act, the re-instatement is not automatic. The Court is required to take into consideration all the facts and circumstances of each case, before passing the order of re-instatement. Reference, in this regard, can be made to the judgment delivered by the Hon'ble Supreme Court in ***Civil Appeal No.13834 of 2024***, titled '***Maharashtra State Road Transport Corporation vs. Mahadeo Krishna Naik***', decided on 14.02.2025.

7. On the anvil of above legal propositions, this Court has also examined the instant case. The services of the petitioner were terminated, way back in the year 2006, and he has worked only for one and half year, therefore, this Court, is of the considered opinion that the learned Tribunal concerned, has rightly not passed the award regarding re-instatement of the petitioner/workman. The Division Bench of this Court in ***LPA-1203-2021***, titled '***Sukhbir Singh versus State of Punjab and others***' decided on 01.03.2023, has already held that the workman is entitled for Rs.50,000/- for each completed year. Further, this aspect has been considered, and the compensation was enhanced to Rs.1,00,000/-, for each completed year, by the



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Coordinate Bench of this Court in the judgment passed in *CWP No.11057 of 2001*, titled ‘*State of Haryana vs. Surjeet and another*’ decided on 30.07.2025. Therefore, in view of the above, this Court, modifies the impugned award, to the extent, that the petitioner/workman is entitled for lump sum compensation to the tune of Rs.1,50,000/-, which shall be paid to him, within a period of three months, from the date of receipt of certified copy of this order.

8. Consequently, the instant writ petition is **disposed of**.

(KULDEEP TIWARI)
JUDGE

December 12, 2025
Manpreet

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No