



**CWP-24858-2015 (O&M) & -1-
connected cases**

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

230 (05 cases)

**CWP-24858-2015 (O&M)
Date of Decision :04.08.2025**

Baldev Singh

...Petitioner

Versus

**The Presiding Officer, Labour Court, U.T. Chandigarh
and another**

...Respondents

CWP-24875-2015

Gurdeep Singh

...Petitioner

Versus

**The Presiding Officer, Labour Court, U.T. Chandigarh
and another**

...Respondents

CWP-26197-2015

Nirmal Singh

...Petitioner

Versus

**The Presiding Officer, Labour Court, U.T. Chandigarh
and another**

...Respondents

CWP-26307-2015

Harjit Singh

...Petitioner

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**The Presiding Officer, Labour Court, U.T. Chandigarh
and another**

...Respondents

CWP-26542-2015

Bhim Singh

...Petitioner

Versus

**The Presiding Officer, Labour Court, U.T. Chandigarh
and another**

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Kshitiz Goel, Advocate for
Mr. P.K. Kukreja, Advocate for the petitioner(s)
in all petitions.

Mr. P.K. Mutneja, Senior Advocate with
Ms. Suverna Mutneja, Advocate for respondent No.2-School
in all petitions.

Harsimran Singh Sethi, J. (Oral)

1. By this common order, above mentioned five writ petitions, details of which have been given in the heading, which have been filed for the modification of the award dated 06.08.2012 (Annexure P/1) are being decided together.
2. For the sake of convenience, facts are being taken from CWP-24858-2015.
3. In the present petition, challenge is to the award dated 06.08.2012 (Annexure P/1) passed by the Presiding Officer, Labour Court,



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U,T, Chandigarh by which, in lieu of the benefit of reinstatement in service to the petitioner(s)-workmen, a lump sum compensation of Rs.50,000/- has been awarded by the Labour Court to the petitioner(s)-workmen. It may be noticed that the respondent-establishment has not challenged the award and the challenge is only by the workmen to get higher compensation.

4. Learned counsel for the petitioner(s)-workmen submits that once, the compensation in lieu of the benefit of reinstatement in service is being awarded by the Labour Court vide award dated 06.08.2012 (Annexure P/1), the same is to be in accordance with law and nothing evident has been brought on record to show as to how, a compensation of Rs.50,000/- has been calculated by the Labour Court despite the fact that the petitioner(s)-workmen had served for a period of 4 to 9 years with the respondent-School.

5. Learned counsel for the petitioner(s)-workmen argues that 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** for each completed year of service, a compensation of Rs.50,000/- is to be awarded in case, the benefit of reinstatement in service is not to be allowed in favour of workman.

6. Learned Senior counsel for the respondent-school submits that the services of the petitioner(s)-workmen came to an end because the unit has been closed and therefore, even otherwise, the benefit of reinstatement in service was not permissible hence, grant of reinstatement was not feasible and compensation in lieu of benefit of reinstatement has been granted adequately, which has already been paid to the workmen hence, present writ petitions may kindly be dismissed.



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7. Learned Senior counsel for the respondent-school further submits that the respondent-school was only liable to pay the retrenchment compensation, which was already paid but still, a finding was recorded by the Labour Court vide award dated 06.08.2012 (Annexure P/1) that the termination of the services of the petitioner(s)-workmen were held to be bad so as to grant them benefit of compensation in lieu of benefit of reinstatement in service, which is incorrect.

8. Learned counsel for the respondent-school submits that award was passed in the year 2012 and the compensation as awarded to the tune of Rs,.50,000/- by the Labour Court in favour of the petitioner(s)-workmen was already paid but after a period of 03 years, the present writ petitions have been filed by the petitioner(s)-workmen, which need to be dismissed on the ground of delay itself.

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

10. In para-21 of the award dated 06.08.2012 (Annexure P/1), the reference has been answered by the Labour Court in favour of the petitioner(s)-workmen wherein, the termination of service of the petitioner(s)-workmen has been held to be bad but, in lieu of benefit of reinstatement in service, the petitioner-workman has been granted a lump sum compensation of Rs.50,000/- to be paid by respondent-school.

11. The question which has been raised in the present petition is, as to whether the said compensation assessed is adequate or liable to be enhanced.

12. The said issue has already been settled by the Division Bench of



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this Court in the case of **Sukhbir Singh (supra)** by relying upon various judgments to hold that for each completed year of service, a workman is entitled for compensation to the tune of Rs.50,000/-. 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 backwages of 50% which was granted and accordingly,



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modified.”

13. The argument raised by the learned Senior counsel for the respondent-school is that the respondent-School was liable to pay the retrenchment compensation, which was already paid to the petitioner(s)-workmen and hence, no more amount was required to be paid to the petitioner(s)-workmen .

14. In this regard, it may be noticed that there is no challenge to the impugned award dated 06.08.2012 (Annexure P/1) at the hands of the respondent-school and rather the same was accepted by the respondent-school. Once, a findings has been recorded by the Labour Court that the services of the petitioner(s)-workmen were terminated in violation of the provisions of 1947 Act, the argument of the learned Senior counsel for the respondent-school that there was no fault of the respondent-school while terminating the services of the petitioner(s)-workmen and the aforementioned award of the Labour Court is bad, cannot be accepted. No finding can be given that the said award is bad qua the termination of the service of the workmen in the present writ petition which has been filed by the workman for enhancement of compensation granted by the Labour Court where, there is no challenge to the finding recorded qua the holding of the fact that the termination of the services of the petitioner(s)-workmen was bad being contrary to the provisions of 1947 Act hence, the argument of the learned Senior counsel for respondent-school that the school was not liable to pay any other amount especially when, a lump sum compensation of Rs.50,000/- has already been given to the petitioner(s)-workmen, cannot be accepted.



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15. Further, in case, the respondent-School is of the view that they were not liable to pay any lump sum compensation especially when they were only liable to pay retrenchment compensation, then why, the management of respondent-school paid Rs.50,000/- lump sum compensation which was awarded by the Labour Court vide impugned award dated 06.08.2012 (Annexure P/1). Once, direction to pay a lump sum compensation has been accepted and paid by the management of the respondent-school, the argument of the learned Senior counsel for the respondent-school that the respondent-school was not liable to pay anything more than the retrenchment compensation, cannot be accepted and the same is accordingly rejected.

16. The last argument which has been raised by the learned Senior counsel for the respondent-school is that present five writ petitions were filed approximately after a period of 03 years of passing of the impugned award dated 06.08.2012 (Annexure P/1) hence, the same should be dismissed.

17. It is to be noticed that no limitation is provided for approaching this Court. In the absence of any limitation provided, this Court cannot reject the present writ petitions on the ground of limitation.

18. Learned counsel for the petitioner(s)-workmen submits that the petitioner(s)-workmen intend to settle the dispute and they are ready to accept a sum of Rs.25,000/- for each completed year of service as a full and final settlement.

19. Said offer of the learned counsel for the petitioner(s)-workmen is fair.



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20. Learned Senior counsel for the respondent-school has placed reliance on the judgment of the Hon'ble Supreme Court of India *in Civil Appeal Nos.4814-15 of 1999 titled as Gordon Woodroffe Agencies (P) Ltd. vs. Presiding Officer, Principal, Labour Court and others, decided on 05.08.2004* to contend that where, a wing of the institution has closed, the payment of compensation over and above the retrenchment compensation is incorrect.

21. It may be noticed that the institution had not closed in the present petition but they decided to outsource the buses which were being driven by the petitioner(s)-workmen herein. Further, in case the respondent-school was aggrieved against the award dated 06.08.2012 (Annexure P/1) wherein, the finding has been given recorded by the Labour Court that the termination of the services of the petitioner(s)-workmen was held to be bad nothing ever stopped the respondent-school to challenge the said award on the basis of the judgment in *Gordon Woodroffe Agencies (supra)*. In the absence of any challenge to the aforementioned award by the respondent-school and rather implementation of the same by respondent-school, no finding can be recorded in the present writ petitions filed by the petitioner(s)-workmen that the award is bad. Hence, the judgment in the case of *Gordon Woodroffe Agencies (supra)* cannot be made applicable in the present case so as to deny the relief to the petitioner(s)-workmen, who are only seeking enhancement of compensation as awarded by the Labour Court vide award dated 06.08.2012 (Annexure P/1) in lieu of reinstatement in service.

22. Similarly, the judgment cited by the learned Senior counsel for



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the respondent-school in *Civil Appeal Nos.3735-38 of 2007 titled as District Red Cross Society vs. Babita Arora and others decided on 14.08.2007* where, the establishment/unit has closed, the same only attracts Section 25-F of the 1947 Act.

23. The argument qua the said judgment is also the same as noticed hereinbefore. Once, the award has not been impugned and has been accepted by the management, this judgment cannot come to the rescue of the respondent-school especially, in a writ petition which is being defended by the respondent-school.

24. Keeping in view the totality of the facts and circumstances of the present case, compensation granted by the Labour Court to the petitioner(s)-workmen in all the five writ petitions is enhanced by holding that for each completed year in service, the petitioner(s)-workmen will be entitled for sum of Rs.25,000/- as agreed by learned counsel for the petitioner(s)-workmen.

25. Keeping in view the service rendered, let the total compensation which comes to the share of each petitioner(s)-workmen i.e in the case of Baldev Singh, who has worked for a period of 04 years, Gurdeep Singh, who has also worked for a period of 04 years, Nirmal Singh, who has worked for a period of 05 years, Harjit Singh, who has worked for a period of 04 years and Bhim Singh, who has worked for a period of 09 years, be calculated separately and be paid to each of them within a period of four months from the date of receipt of copy of this order.

26. Present petitions are allowed in above terms.

27. Civil miscellaneous application pending, if any, is also disposed

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of.

28. A photocopy of this order be placed on the file of connected
case.

**August 04, 2025 (HARSIMRAN SINGH SETHI)
aarti JUDGE**

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