



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
(206)

CWP No.4587 of 2013(O&M)
DATE OF DECISION: 05.04.2025

Prince Bus and Transport Company Ltd. and anotherPetitioners

VERSUS

Presiding Officer and anotherRespondents

CORAM HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present Mr. Joshua Sheoran, Advocate for
Mr. Shiv Kumar, Advocate, for the petitioners.

Mr. D.S. Batth, Advocate, for respondent no.2.

HARSIMRAN SINGH SETHI, J (ORAL)

1. In the present petition, the challenge is to the Award dated 17.10.2012 (Annexure P-5) by the petitioners-employee. The challenge at the hands of the petitioner employer is that despite Expert Report that the resignation letter bears the signatures of the workman, the report of the Handwriting Expert has been disbelieved and the grant of benefit of re-instatement to the respondent No.2-workman along with 50% back wages has been which is causing prejudice.

2. The factual assertion in the present case are that the respondent No.2-workman was employed by the Management on 01.05.1998 and the allegation raised by the petitioner is that respondent No.2-Workman resigned on 16.10.2001 (Annexure P-1). The respondent No.2-workman had completed more than three and half years of service with the management. The said alleged resignation was later on treated as a termination by the respondent No.2-workman and reference was raised to be decided by the Hon'ble Tribunal, Jalandhar.

3. During the pendency of the proceedings before the Labour Court, handwriting Expert was examined and according to his opinion, the resignation was signed by the respondent No.2-Workman. Despite the said finding, the Labour Court rejected the opinion of the Handwriting Expert and granted the relief to the



respondent No.2-Workman while passing the Award dated 17.10.2012 (Annexure P-5) reinstating the workman with continuity in service and other benefits with 50% of back wages, by treating that infact services of the employees were terminated.

3. Learned counsel appearing on behalf of the petitioner-Management argued that once there is a valid report of the Expert stating that the signatures on the resignation was of respondent No.2-Workman. The Labour Court should not have substituted its opinion to hold that the respondent No.2-Workman never resigned. Further argument of the learned counsel for the petitioner-Management is that the respondent No.2-Workman had only worked for three and half years and in facts and circumstances of this case, rather than granting the benefits of reinstatement with continuity in service and 50% of back wages, only the benefit of compensation should have been granted.

4. Whereas, learned counsel appearing on behalf of the respondent No.2-Workman argued that once a finding has been recorded by the competent Court of law on the basis of the facts and material evidence on record to hold the termination of services as bad, 100% back wages should have been granted instead of 50% back wages.

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

6. The Labour Court in exercising its jurisdiction based upon the facts and the material evidence which came on record, held that only the signatures on the resignation were of the respondent No.2-Workman but the rests were not written by him so as to prove that there was no voluntary resignation by the respondent No.2-Workman. The said finding has been recorded keeping in view the resignation which was produced before the Labour Court. During the course of arguments, the said resignation letter dated 16.10.2001 has also been shown to this Court which clearly shows that the way the resignation has been written, the same does not appear to be resignation written by the respondent No.2-Workman but only the signatures of the



respondent No.2-Workman have been used to write a resignation letter. Hence, the finding which has been recorded by the Labour Court in the facts and circumstances of the present case needs no interference at the hands of this Court as well.

7. The second question which arises is whether the benefit of reinstatement should have been granted along with 50% backwages or not to the respondent No.2-Workman.

8. It may be noticed that the respondent No.2-Workman had only worked for a period of three and half years. The post enjoyed by the workman had already been filled up by the Management subsequent alleged resignation. The non adherence of Section 25F of the 1947 Act which has been taken into account for granting the relief to the respondent No.2-Workman could have been complied with by granting compensation to the respondent No.2-Workman for illegal termination.

9. The said issue as to how much compensation should be given to an employee has been settled by a Division Bench of this Court in **LPA No. 1203 of 2021** titled **Sukhbir Singh versus State of Haryana and others, decided on 01.03.2023**, the relevant paragraph nos.6 and 7 of the same are reproduced as under:-

***“Para No. 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 not 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.*

Para no.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, modified. ”

10. A bare perusal of the above shows that employees held entitled for a sum of Rs.50,000/- for each repeated year and in the present case the employee has worked for more than three years in the present case.

11. This Court has been informed that a sum of Rs.1,98,000/- was deposited with the Labour Court by the petitioner Management which is still lying with the bank and has also generated interest in the said amount.

12. Keeping in view the totality of the circumstances, the total amount including the interest which has been generated on the amount of Rs.1,98,000/- be released in favour of the respondent No.2-Workman as full and final settlement.

13. The present petition is disposed of in the above terms.

14. In case, any application is made by the respondent No.2-Workman before the Labour Court for retaining of the amount, where the amount is stated to be deposited, the same be released in accordance with the directions given here-in-above.

05.04.2025
mamta

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No