

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****CWP No.21692 of 2018****Date of decision: 08.10.2025****Munshi Ram****.... Petitioner****Vs.****Presiding Officer, Industrial Tribunal, Patiala and others****.... Respondents****CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI**

Present: Ms. Ishita, Advocate, for
Mr. Ravi Gakhar, Advocate, for the petitioner.

Mr. Sahil R. Bakshi, AAG, Punjab.

KULDEEP TIWARI, J (Oral)

1. The petitioner-workman has challenged the award dated 15.11.2013 (Annexure P/1), whereby the reference was answered in his favour. However, despite a categorical finding that there is an infraction of Section 25 (F) of the Industrial Dispute Act, 1947 (hereinafter referred to as "the Act"), the Tribunal has ordered compensation worth Rs.7,000/- only. This caused grievance to the petitioner, propelling him to cast the instant petition under Articles 226/227 of the Constitution of India.

2. Ms. Ishita, Advocate, has caused the appearance on behalf of Mr. Ravi Gakhar, Advocate, for the petitioner and submits that once the Court has held the infraction of Section 25 (F) of the Act, then it should have ordered the reinstatement of the petitioner. She has placed reliance on the judgment rendered by the Hon'ble Supreme Court in the case of *Divisional Controller Maharashtra State Road Transport Corporation vs. Kalawati Pandurang Fulzele*, (2022) 1 SCT 626, and *Ram Manohar Lohia Joint Hospital and others vs. Munna Prasad Saini and another*, (2021) 4 SCT 141, to support her arguments. She further submitted that even the compensation granted was quite inadequate. Once the petitioner was found to have worked for more than a year, he should have been adequately compensated.

3. On the other hand, Mr. Sahil R. Bakshi, learned Assistant Advocate General, Punjab, submits that, as per the case of the petitioner, his services were terminated way back on 19.1992, whereas he filed the demand notice on 2.3.2006 i.e. after a gap of about 14 years. He further submitted that this aspect had been duly



considered, and therefore, the reinstatement was validly declined, and adequate compensation had been paid to the petitioner.

4. This Court has considered the submissions of learned counsel for both parties and has perused the record.

5. The facts, qua which there is no wrangle, are that the petitioner was appointed as Beldar on a work charge basis way back on 1.10.1991, and his services were terminated on 1.9.1992 without compliance of Section 23 (F) of the Act. However, the petitioner-workman filed his demand notice after a period of 14 years, i.e. on 2.3.2006, which was subsequently referred to the Tribunal for its adjudication by making a reference under Section 10 (1) (C) of the Act. The Tribunal, though, found the infraction of Section 25 (F) of the Act, but only granted relief by way of compensation.

6. It is a well-settled principle that mere violation of Section 25(F) of the Act does not automatically entitle an employee to reinstatement. A reference can be made to the judgment delivered by the Hon'ble Supreme Court in **Civil Appeal No.13834 of 2024**, titled as **Maharashtra State Road Transport Corporation vs. Mahadeo Krishna Naik**, decided on **14.02.2025**.

7. In the instant case, the petitioner-workman remained silent for about 14 years and raised his claim after a lapse of 14 years, in 2006, therefore, the learned Tribunal has rightly rejected the claim of the petitioner-workman for reinstatement.

8. So far as the issue regarding compensation is concerned, this Court is of the considered view that since the petitioner-workman worked for one year, therefore, the compensation awarded to him is on the lower side. Therefore, this Court enhances the compensation of the petitioner-workman to Rs.1,00,000/- (Rupees one lakh only). As this issue has already been considered by a coordinate Bench of this Court in **CWP-No.11057 of 2001**, titled as **State of Haryana vs. Surjeet and another**, decided on **30.07.2025**.

9. **Disposed of**, accordingly.

(KULDEEP TIWARI)
JUDGE

08.10.2025
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No