

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

111

CWP-5193-2015 (O&M)

Date of Decision : November 11, 2025

HARYANA SEEDS DEVELOPMENT CORPORATION LTD.

-PETITIONER

V/S

**PRESIDING OFFICER, INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT, ROHTAK AND ANR.**

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Vishal Gupta, Advocate
for the petitioner.

Mr. Jai Bhagwan Sharma, Advocate
for the respondent No.2.

KULDEEP TIWARI, J. (ORAL)

1. The present writ petition assails the award dated 21.01.2015, whereby respondent No.1 - Industrial Tribunal, Rohtak, answered the reference in favour of respondent No.2 - workman and directed his reinstatement to his previous post with continuity of service and 50% back wages from the date of filing of the claim statement, i.e. 13.12.2012.

2. Learned counsel for the petitioner - management contends that the workman was never appointed to any regular post, rather, he was engaged only as a Daily Paid Labourer (DPL) and worked merely from 15.10.2010 to 30.07.2011. It is submitted that the impugned award rests solely on the finding of violation of Section 25-F of the Industrial Disputes Act, 1947 (hereinafter referred to as "the I.D. Act"). Accordingly, the Industrial Tribunal erred in mechanically directing reinstatement instead of considering the grant of lump-sum compensation, even if the infraction of

Section 25-F was proved. The Industrial Tribunal failed to examine these aspects before issuing the impugned directions.

3. Learned counsel for the petitioner - management further submits that the services of the workman were terminated in July 2011, and this Court, while issuing notice of motion on 20.03.2015, had stayed the operation of the impugned award. Therefore, now after more than 14 years, reinstatement of the workman would be neither practical nor legally justified. In support of his submissions, he relies upon the judgment of the Hon'ble Supreme Court in **"B.S.N.L. v. Bhurumal", (2014) 7 SCC 177.**

The relevant paragraphs are extracted hereunder:-

"22. It was further submitted by the learned counsel for the appellant that likewise, even when reinstatement was ordered, it does not automatically follow full back wages should be directed to be paid to the workman. He drew our attention of this Court in the case of Coal India Ltd. Vs. Ananta Saha, (2011) 5 SCC 142 and Metropolitan Transport Corporation v. V.Venkatesan, (2009) 9 SCC 601.

23. It is clear from the reading of the aforesaid judgments that the ordinary principle of grant of reinstatement with full back wages, when the termination is found to be illegal is not applied mechanically in all cases. While that may be a position where services of a regular/permanent workman are terminated illegally and/or malafide and/or by way of victimization, unfair labour practice etc. However, when it comes to the case of termination of a daily wage worker and where the termination is found illegal because of procedural defect, namely in violation of Section 25-F of the Industrial Disputes Act, this Court is consistent in taking the view in such cases reinstatement with back wages is not automatic and instead the workman should be given monetary compensation which will meet the ends of justice. Rationale for shifting in this direction is obvious.

24. Reasons for denying the relief of reinstatement in such cases

are obvious. It is trite law that when the termination is found to be illegal because of non-payment of retrenchment compensation and notice pay as mandatorily required under Section 25-F of the Industrial Disputes Act, even after reinstatement, it is always open to the management to terminate the services of that employee by paying him the retrenchment compensation. Since such a workman was working on daily wage basis and even after he is reinstated, he has no right to seek regularization (See: State of Karnataka vs. Uma Devi (2006) 4 SCC 1). Thus when he cannot claim regularization and he has no right to continue even as a daily wage worker, no useful purpose is going to be served in reinstating such a workman and he can be given monetary compensation by the Court itself inasmuch as if he is terminated again after reinstatement, he would receive monetary compensation only in the form of retrenchment compensation and notice pay. In such a situation, giving the relief of reinstatement, that too after a long gap, would not serve any purpose.

25. We would, however, like to add a caveat here. There may be cases where termination of a daily wage worker is found to be illegal on the ground it was resorted to as unfair labour practice or in violation of the principle of last come first go viz. while retrenching such a worker daily wage juniors to him were retained. There may also be a situation that persons junior to him were regularized under some policy but the concerned workman terminated. In such circumstances, the terminated worker should not be denied reinstatement unless there are some other weighty reasons for adopting the course of grant of compensation instead of reinstatement. In such cases, reinstatement should be the rule and only in exceptional cases for the reasons stated to be in writing, such a relief can be denied.

26. Applying the aforesaid principles, let us discuss the present case. We find that the respondent was working as a daily wager. Moreover, the termination took place more than 11 years ago. No doubt, as per the respondent he had worked for 15 years. However, the fact remains that no direct evidence for working 15 years has been furnished by the respondent and most of his documents are

relatable to two years i.e. 2001 and 2002. Therefore, this fact becomes relevant when it comes to giving the relief. Judicial notice can also be taken of the fact that the need of lineman in the telephone department is drastically reduced after the advancement of technology. For all these reasons, we are of the view that ends of justice would be met by granting compensation in lieu of reinstatement. In Man Singh (supra) which was also a case of BSNL, this Court had granted compensation of Rs.2 Lakh to each of the workmen when they had worked for merely 240 days. Since the respondent herein worked for longer period, we are of the view that he should be paid a compensation of Rs. 3 lakhs. This compensation should be paid within 2 months failing which the respondent shall also be entitled to interest at the rate of 12% per annum from the date of this judgment. Award of the CGIT is modified to this extent. The appeal is disposed of in the above terms. The respondent shall also be entitled to the cost of Rs.15,000/-(Rupees Fifteen Thousand only) in this appeal.”

4. *Per contra*, learned counsel for respondent No.2 – workman submits that since his services were terminated without complying with the provisions of Section 25-F, the Industrial Tribunal rightly ordered reinstatement. It is further submitted that the workman has neither been reinstated to date nor paid wages under Section 17-B of the I.D. Act.

5. With regard to the alleged non-compliance of Section 17-B, learned counsel for the petitioner submits that the default occurred because the workman failed to file the requisite affidavit within time. It is stated that the affidavit was filed only on 21.02.2025, hence, no fault can be attributed to the petitioner in this regard.

6. This Court has heard the submissions advanced by both sides and made a studied survey of the impugned award.

7. It is evident that the Industrial Tribunal granted reinstatement solely on account of violation of Section 25-F of the I.D. Act. There is no

allegation by the workman that the management engaged in any unfair labour practice or that juniors were retained in service. Accordingly, following the principles laid down by the Hon'ble Supreme Court in *Bhurumal's case (supra)*, this Court declines to uphold the relief of reinstatement.

8. The only issue that now remains for consideration is the quantum of lump-sum compensation payable to the workman. The Industrial Tribunal had awarded 50% back wages, which, according to learned counsel for the workman, would amount to approximately ₹ 4,50,000/-. Considering the entirety of the circumstances, including the fact that the workman has been awaiting final adjudication since 2011, this Court directs the petitioner - management to pay a sum of ₹ 4,50,000/- to the workman as lump-sum compensation, in full and final settlement of the dispute. This amount shall be paid within a period of eight weeks from the date of receipt of a certified copy of this order, failing which the said amount shall carry interest @ 9% per annum. The impugned award is modified to this extent.

9. The present writ petition stands **disposed of**.

10. Pending application also stands disposed of accordingly.

November 11, 2025
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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No