

CWP-6488-2016 & connected cases -1-

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

227 (06 cases) CWP-6488-2016
Date of Decision :12.03.2025

Jaswinder Singh ...Petitioner

Versus

Municipal Council (Now Corporation),
Pathankot and another ...Respondents

CWP-6489-2016

Jaswinder Singh ...Petitioner

Versus

Municipal Council (Now Corporation),
Pathankot and another ...Respondents

CWP-6490-2016

Ashish Kumar ...Petitioner

Versus

Municipal Council (Now Corporation),
Pathankot and another ...Respondents

CWP-6491-2016

Vinay Mehta ...Petitioner

Versus

Municipal Council (Now Corporation),
Pathankot and another ...Respondents

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CWP-6492-2016

**Ramesh Kumar
...Petitioner**

Versus

**Municipal Council (Now Corporation),
Pathankot and another**

...Respondents

CWP-7186-2016

Rakesh Kaul

...Petitioner

Versus

**Municipal Council (Now Corporation),
Pathankot and another**

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. K.S. Dadwal, Advocate with Ms. Neha Jain, Advocate
for the petitioner(s) in all petitions.

Mr. Sanjeev Soni, Advocate with Mr. Sarthak Soni, Advocate
for respondent-Municipal Council in all petitions.

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Harsimran Singh Sethi, J. (Oral)

1. In the present bunch of petitions, though, the challenge is to the award(s) passed by the Presiding Officer, Industrial Tribunal, Gurdaspur and for the sake of convenience, award dated 09.12.2015 (Annexure P/9), challenged in CWP-6488-2016 is taken up for consideration. The grievance of the petitioner(s) is that they should have been granted the benefit of regularization in service after their services were found to be terminated in violation of provisions of Industrial Dispute Act, 1947 by Labour Court in

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its impugned award but learned counsel for the petitioner(s) on instructions from the petitioner(s), who are present in Court, submits that the petitioner(s) will be satisfied in case, the compensation in lieu of reinstatement is granted to them in accordance with the settled principle of law as it exists as of now.

2. Learned counsel for the petitioner(s) further submits that as per the judgment of 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** wherein, by taking into consideration the relevant provisions of law, for the each completed year, a sum of Rs.50,000/- has been awarded as compensation whereas, in the present case, the petitioner(s), who have completed more than 06 years in service with the respondents have only been granted a sum of Rs.20,000/- for a completed year as compensation by the Tribunal vide its impugned award, which is arbitrary and illegal. Learned counsel for the petitioner(s) submits that the petitioner(s) be granted compensation at least as per the settled principle of law settled by the Division Bench of this Court in **Sukhbir Singh (supra)**.

3. Learned counsel for the respondent-Municipal Council submits that against the similar order passed, the similarly situated employees had approached this Court wherein, while passing order dated 19.11.2015 in **LPA No.2078 of 2014 titled as, Sunil Kumar vs. Presiding Officer and others**, the compensation awarded by the Tribunal was enhanced from Rs.20,000/- to Rs.30,000/-, which may also be granted in favour of the petitioner(s) in the present petitions.

4. Learned counsel for the petitioner(s) submits that as per the

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judgment of the Division Bench of this Court in **Sukhbir Singh (supra)**, the compensation to tune of Rs.50,000/- has been fixed for each completed year which should be taken into consideration while granting compensation in favour of the petitioner(s) in the present petitions.

5. Learned counsel for respondent-Municipal Council submits that the compensation awarded by the Tribunal was enhanced from Rs.20,000/- to Rs.30,000/- in the case of other similarly situated employees by the Division Bench while passing order dated 19.11.2015 in **LPA No.2078 of 2014 titled as Sunil Kumar vs. Presiding Officer and others** whereas, the contention of the learned counsel for the petitioner(s) is that in the latest judgment in **Sukhbir Singh (supra,)**, the Division Bench of this Court after considering the relevant laws of the Hon'ble Supreme Court of India, fixed the compensation to the tune of Rs.50,000/- for each completed year and the petitioners(s) be granted compensation as per the judgment in **Sukhbir Singh (supra,)**.

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

7. The contention which has been raised before this Court is that the compensation awarded by the Tribunal to the tune of Rs.20,000/- for each completed year in favour of the petitioner(s) should be enhanced to Rs.50,000/- as per the settled principle of law settled in **Sukhbir Singh (supra)**.

8. This Court is to see the welfare of the employees. Though, on an earlier occasion, in the case of similarly situated employees, the compensation was enhanced by this Court from Rs.20,000/- to Rs.30,000/-

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for each completed year but as of now, keeping in view the settled principle of law settled by Division bench of this Court in **Sukhbir Singh (supra)**, the fixed compensation is Rs.50,000/- for each completed year. Hence, keeping in view the settled principle of law, settled by the Division bench of this Court in **Sukhbir Singh (supra)**, the award of the Labour Court in all the petitions is modified with the modification that the petitioner(s) will be entitled for compensation to the tune of Rs.50,000/- for each completed year instead of Rs.20,000/- as directed by the Tribunal and the rest of the terms and conditions of the impugned award(s) will remain the same.

9. Let the present order be complied with within a period of 08 weeks from the date of receipt of copy of this order.

10. Present petitions are disposed of in above terms.

11. Civil miscellaneous application pending, if any is also disposed of.

12. A photocopy of this order be placed on the file of connected cases.

March 12, 2025
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No