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

CWP-22139-2022

Date of Decision : **27.11.2025**

MUKESH GOSWAMI

.....Petitioners

VERSUS

ECOM EXPRESS PVT LTD AND ORS

.....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

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

Mr. Abhinav Sood, Advocate and
Mr. Nitesh Jhahria, Advocate,
for respondents no.1 and 2.

KULDEEP TIWARI, J.(Oral)

1. Through the instant petition, filed under Article 226/227 of the Constitution of India, an Award dated 29.09.2021 (Annexure P-1) passed by the learned Industrial Tribunal, Patiala (respondent no.3), has been put to challenge by the petitioner-workman, on the ground that, despite the learned Tribunal concerned, having held the termination of his services to be illegal, the reinstatement was not ordered. Instead, only a meagre compensation to the tune of Rs.20,000/- was awarded alongwith Rs.5,000/- as litigation expenses.

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2. Though learned counsel for the petitioner contends that once the learned Tribunal concerned, has come to the conclusion that the termination of the petitioner is illegal, he becomes entitled to reinstatement in service, however, when confronted by this Court with the judgement rendered by the Hon'ble Supreme Court in '**BSNL vs. Bhurumal**' (Appeal No.10957 of 2013 decided on 11.12.2013), he submits that he would address arguments with regard to the adequacy of compensation awarded.

3. He submits that the petitioner had worked with respondents no.1 and 2-management for about five years, which is disputed by the latter, therefore, the petitioner-workman is entitled to a sum of Rs.5.00 lakhs as compensation, in view of the judgement rendered by the Hon'ble Supreme Court in '**Maharashtra State Road Transport Corp. vs. Mahadeo Krishna Naik**', (Civil Appeal No.13834 of 2024, decided on 14.02.2025), and also the judgment of this Court in '**State of Haryana vs. Surjeet and Anr.** (CWP-11057-2001, decided on 30.07.2025).

4. On the other hand, learned counsel for respondents no.1 and 2-management tried to rake up the issue with regard to the applicability of the Industrial Disputes Act, 1947, upon the petitioner, to submit that he does not fall within the ambit of 'workman', he having been appointed as a Manager.

5. This Court needs not to go into the objections as the impugned Award has never been put to challenge by respondents no.1 and



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2-management, specifically, when it was held that the petitioner does fall within the ambit of 'workman', and, even though the Award having been passed *ex parte*.

6. So far the issue of the adequacy of compensation, so awarded, is concerned, this Court has examined the judgements (*supra*), as referred by learned counsel for the petitioner-workman.

7. Since the respondent-workman had rendered his services to the petitioner-Management, he deserves to be compensated suitably. Before proceeding further on the issue, it would be expedient to refer to the decision rendered by a Coordinate Bench of this Court in CWP-11057-2001 (**State of Haryana versus Surjeet and another**), decided on 30.07.2025, wherein, for each preceding year, in which the workman had worked, he was held entitled to Rs.50,000/-, as lump sum compensation.

The relevant part thereof, is extracted hereinafter :-

“6. 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 , an employee is entitled for compensation in lieu of benefit of reinstatement in service. 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



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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 back wages of 50% which was granted and accordingly, modified.”

7. A bare perusal of the above reproduction would show that for each completed year, instead of reinstatement, a workman can be paid compensation to the tune of Rs.50,000/ for each completed year. Keeping in view the fact that in the present case, respondent No.1-workman had worked for a period of more than 06 years, he becomes entitled for sum of Rs.3,00,000/- on the said account.”

8. In conspectus of the factual position, recorded hereinabove, coupled with the *ratio* laid down in the decision (*supra*), as also the specific nature and length of the service, this Court is of the considered view that the dispute involved in the instant matter, can be given quietus by directing the respondents no.1 and 2-management to pay a lump sum compensation to the tune of Rs.3 lakhs, to the petitioner-workman.

9. Ordered accordingly.

10. The aforesaid compensation amount of Rs.3 lakhs, shall be remitted to the petitioner-workman, within a period of six weeks from the date of this order. In the event of default, the petitioner-workman shall be



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entitled to interest @ 9% per annum from the date of the impugned Award till the date of actual realisation.

11. Disposed of.

November 27, 2025
dharamvir

(KULDEEP TIWARI)
JUDGE

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