

2025:PHHC:028990-DB



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

**LPA-3224-2024 (O&M)**

**Date of decision: 24.02.2025**

SUKHDEV SINGH

.....Appellant

Versus

PRESIDING OFFICER-LABOUR COURT PATIALA & ORS.

.....Respondents

**CORAM: HON'BLE MR. JUSTICE SUDHIR SINGH  
HON'BLE MRS. JUSTICE SUKHVINDER KAUR**

Present:- Ms. Sonia G. Singh Samber, Advocate  
(Legal Aid Counsel) for the appellant.

**SUDHIR SINGH, J.**

**CM-7937-LPA-2024**

For the reasons given in the application, the same is allowed. Delay of 21 days in re-filing the appeal is condoned, subject to just all exceptions.

**CM-7936-LPA-2024**

For the reasons given in the application, the same is allowed. Delay of 10 days in filing the appeal is condoned, subject to all just exceptions.

**LPA-3224-2024**

Challenge in the instant intra Court appeal is to the order dated 20.08.2024 passed by the learned Single Judge of this Court, whereby the writ petition filed by the appellant was disposed of with a

direction to the respondent-Management to pay a sum of Rs.35,000/- as lump-sum payment to workman.

2. Before the learned Single Judge, the appellant had laid challenge to the award dated 03.02.2005 passed by the Labour Court, whereby the reference was answered against the workman. It was found by the Labour Court that the appellant had failed to prove that he had worked for 240 days in the concerned calendar year and, therefore, the provisions of the Industrial Disputes Act, 1947 were not attracted.

3. Learned counsel appearing for the appellant-workman has vehemently argued that the storekeeper of the respondent-Management appeared before the Labour Court and had made a statement that progress register of the workshop for the period 01.10.1989-28.07.1990 and muster-rolls for that period, were not traceable in the Department and as such, the same could not be produced. It is further argued that the only witness examined by the respondent-Management had admitted in his testimony that the appellant-workman was employed from 03.04.1990 to 31.05.1990, but the said witness did not produce the attendance register for October to December, 1989 and January-February, 1990. It is, thus, argued that as the relevant record was withheld by the respondent-Management, the Labour Court was not justified in discarding the claim of the appellant-workman. It is also argued that the said aspect of the matter has not been considered by the learned Single Judge while passing the impugned order. It is further argued that in view of the undisputed position on record as regards the appellant-workman having worked

in the respondent-Management from 01.10.1989 to 28.07.1990, the compensation awarded by the learned Single Judge, is very much on the lower side. It is also argued that the certificate dated 28.05.1990 issued by respondent No.3-Pepsu Road Transport Corporation Depot No.1, Patiala indicating that the appellant-workman had worked on daily wages in the workshop of the respondent-Management w.e.f. 01.06.1990 to 29.07.1990, was also not taken into consideration by the Labour Court and such aspect has also been discarded by the learned Single Judge, while passing the impugned order.

4. We have heard the learned counsel for the appellant and have also gone through the impugned order.

5. The only question that arises for consideration by this Court is whether the order passed by learned Single Judge, requires any interference.

6. As per the facts on record, the appellant-workman had worked with the respondent-Management from 01.10.1989 to 28.07.1990 and he was retrenched on 08.04.1990. The reference was instituted on 03.08.1993 and the impugned award was passed on 03.02.2005. As noticed by the learned Single Judge, the respondent-workman is 70 years of age as of now.

7. Keeping in view the age of the appellant-workman, it was rightly held by the learned Single Judge that reinstatement no longer survived. We find that in view the length of service rendered by the appellant-workman; last drawn wages by him and efflux of time, the compensation of Rs.35,000/- granted by the learned Single Judge, cannot be said unjustified or on the lower side. Thus, we do

not find any illegality or perversity in the order passed by the learned Single Judge.

8. No other point has been urged.
9. In view of the above, finding no merit in the present appeal, the same is hereby dismissed.
10. Pending application(s), if any, shall stand disposed of.

[ SUDHIR SINGH ]  
JUDGE

[ SUKHVINDER KAUR ]  
JUDGE

24.02.2025  
himanshu

|                           |        |
|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |