



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

121

LPA-2685-2025 (O&M)

DATE OF DECISION: 30.10.2025

STATE OF PUNJAB AND ANOTHER

... Appellants

Versus

LAL BAHADUR SINGH AND ANOTHER

... Respondent(s)

**CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL
HON'BLE MS. JUSTICE MEENAKSHI I. MEHTA**

Present: Ms. Arundhati Kulshreshtha, Assistant Advocate General, Punjab.

ANUPINDER SINGH GREWAL, J. (ORAL)

CM-6731-LPA-2025

This application is for condonation of delay of 133 days in filing the appeal.

Issue notice in the application.

At the asking of the Court, Mr. Samrath Sagar, Advocate accepts notice on behalf of the non-applicants and submits that he has no objection if the application for condonation of delay of 133 days is allowed.

Heard.

For the reasons stated in the application, the same is allowed and delay of 133 days in preferring the appeal is condoned.

LPA-2685-2025

The appellants have challenged the judgment of the Single Bench dated 27.02.2025 whereby the writ petition preferred by respondent No.1-workman has been allowed, and it has been directed that a lumpsum compensation of Rs.3 lakhs be paid as full and final settlement to respondent No.1 having worked for over 6 years.

2. Learned counsel for the appellants submits that there was a huge delay of over 21 years on part of respondent No.1 in filing the claim petition and therefore, the Labour Court had rightly declined the claim petition. He has

placed reliance on the judgment of the Supreme Court in *Rajasthan State Agriculture Mktg. Board v. Mohan Lal*, (2013) 14 SCC 543.

3. Heard.

4. Respondent No.1-workman is stated to have worked with the appellants in the SYL project from May 1982 to 1988 as a Peon in the pay scale of Rs 300-430 on contract basis. His services were terminated in August, 1988 ostensibly on the ground that there was no work in the SYL project but was assured that he would be engaged later on, if any work arose. He later came to know that some of his juniors were re-employed by the appellants but he was not informed about any vacancy. Aggrieved, he served a demand notice on 12.01.2009 challenging his termination. Before the Industrial Tribunal, Chandigarh, a preliminary objection was raised by the appellants-employer that the demand notice had been filed after 21 years and was therefore, time barred. It was also argued that the Industrial Tribunal, Chandigarh did not have jurisdiction to adjudicate the matter as the workman was working at Patiala. Vide award dated 24.09.2014, although the reference was declined as the workman had failed to prove the employer-employee relationship, the Industrial Tribunal held that it had the jurisdiction to adjudicate the matter and as regards the objection that the demand notice was time barred, it held that it did not have the power to invalidate the reference on the ground of delay. Aggrieved, respondent no.1 preferred a writ petition challenging the award.

5. Learned Single Bench after perusing the record noticed that the appellants, in their written statement to the claim petition, had admitted that respondent No.1 had indeed been appointed as Peon in Construction Circle No.4, SYL Canal Project and that he had worked with them till he was let go in August 1988. It was thus, held by the Single Bench that once the employer has admitted the factum of employment, the master-servant relationship between the parties stood proved and the onus shifts on the employer (appellant herein) to substantiate its plea so as to deny the claim of the workman. It was also held that no evidence had been led by the appellants to show that the mandate of section 25F of the Industrial Disputes Act, 1947 had been complied with at the time of terminating the services of the workman. Therefore, the award of the Industrial Tribunal was held to be bad in law. Since, it had already come on record that the SYL Canal Project had already been 'abandoned', the question of reinstatement of the workman in service with continuity did not arise. The only question

therefore, was what compensation, if any, be awarded to the workman. The Single Bench had relied upon the judgment of this Court in the case of **Sukhbir Singh Vs. State of Haryana and ors., LPA No.1203 of 2021**, decided on 01.03.2023, wherein while referring to the judgments of the Supreme Court it was held that for each completed year of service, compensation of Rs.50,000/- would be just and equitable. In the instant case, respondent No.1 had worked with the appellants for 6 years and therefore, lumpsum compensation of Rs.3 lakhs has been awarded. We do not find any illegality in the impugned judgment as it was the appellants themselves, who had admitted in their pleadings before the Labour Court that respondent No.1 had indeed worked with them from 1982 to 1988.

6. We do not accept the contention of the learned counsel for the appellants that because there was a huge delay on part of the workman in approaching the Labour Court, the claim ought to be rejected outrightly. Respondent No.1 had earlier preferred writ petition before this Court bearing CWP No. 11007 of 1989 seeking reinstatement and regularisation of services which was disposed of with liberty to him to prefer a representation in that regard. He had later filed a representation, which was declined. It is thus manifest that the respondent had earlier been pursuing his legal remedies and seeking redressal of his grievances. Learned counsel for the appellants has placed reliance on the judgment of the Supreme Court in **Rajasthan State Agriculture Mktg. Board v. Mohan Lal, (2013) 14 SCC 543**, to submit that as there was a huge delay in filing the claim petition, it was time barred. We are of the considered view that this judgment does not help his case. In that case, the appellant-employer had challenged the award of the Labour Court directing reinstatement of the workman with continuity in service alongwith 30% back wages as the workman had challenged his termination after a delay of 6 years. The Supreme Court taking into consideration the delay on part of the workman therein in preferring the claim, had only modified the award of the Labour Court and had instead granted lumpsum compensation of Rs 1 lakh as the workman therein had worked for only one year from 01.11.1984 to 17.02.1986. In the instant case, the grant of lumpsum compensation of Rs.3 lakhs for service of 6 years cannot be held to be unreasonable or excessive warranting interference in appeal.

- 7. Consequently, the Letters Patent Appeal stands dismissed.
- 8. Pending applications, if any, also stands disposed of.

(ANUPINDER SINGH GREWAL)
JUDGE

(MEENAKSHI I. MEHTA)
JUDGE

30.10.2025

SwarnjitS

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