

2025:PHHC:030993-DB



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

LPA-3405-2024 (O&M)
Date of decision: 03.03.2025

Amarjeet Singh

.....Appellant

Versus

Presiding Officer, Industrial Tribunal, Patiala and others

.....Respondents

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

Present: Ms. Hema Kakkar, Advocate,
for the appellant.

Mr. Sanjeev Sharma, Advocate,
for respondent Nos. 2 and 3.

SUDHIR SINGH (ORAL)

CM-8391-LPA-2024

For the reasons mentioned in the application, the same is allowed and delay of 343 days in filing of the appeal is condoned.

LPA-3405-2024 (O&M)

The challenge in the instant intra Court appeal is to the order dated 28.11.2023 passed by the learned Single Judge of this Court, whereby writ petition (CWP-16602-2014) filed by the appellant was disposed of by modifying the Award dated 02.06.2014 and accordingly, the amount of Rs.27,000/-

awarded as compensation to the appellant was enhanced to Rs.2,50,000/-.

2. Before the learned Single Judge, the appellant had laid challenge to the award dated 02.06.2014 (Annexure P-1 with the writ petition) passed by the Industrial Tribunal, Patiala, whereby compensation of Rs.27,000/- had been granted to him.

3. The facts, in brief, are that the appellant had worked with respondent-Punjab Agricultural University (Seed Farm) (here-in-after referred to as 'the respondent-Management) as Beldar Seed Farm, Nabha, from 11.03.2003 to 28.04.2008 and he was retrenched on 29.04.2008, without any notice, enquiry or payment of compensation.

4. Upon reference having been made to the Industrial Tribunal, the learned Tribunal, after taking into consideration the rival contentions and the evidence led, had held that the appointment of the appellant was contrary to the provisions of Articles 14 and 16 of the Constitution of India and he was not entitled to the relief of reinstatement with back wages, but was held entitled to a compensation of Rs.27,000/-.

5. The aforesaid Award was challenged by the appellant-workman by filing CWP-16602-2014 and the learned Single Judge, vide impugned order, modified the same, as noticed above. Hence, the present appeal.

6. Learned counsel appearing for the appellant-workman has vehemently argued that while passing the

impugned order, the learned Single Judge has failed to take into consideration that the appellant had rendered services with the respondent-Management for more than five years and that he had been litigating for redressal of his grievances for nearly 15 years and thus, the compensation of Rs.2,50,000/- awarded by the learned Single Judge is very much on the lower side. It is further argued that once, it was found that the appellant was retrenched in violation of the provisions of the Act, the only relief which ought to have been granted to the appellant was reinstatement in service with back wages, but the Industrial Tribunal has failed to take into consideration the said aspect of the matter. Reliance has been placed upon the judgments passed by the Hon'ble Supreme Court in **Devinder Singh vs Municipal Council, Sanaur**, AIR 2011 Supreme Court 2532 and that of this Court in **Haryana State Agriculture Marketing Board vs. Sachin and another**, (2011) 129 FLR 71.

7. We have heard learned counsel for the parties and have also gone through the impugned order(s).

8. In our opinion, the only question that arises for consideration in the present appeal is, whether the impugned order requires any interference by this Court.

9. A perusal of the impugned order would show that after noticing various judgments of the Hon'ble Supreme Court and further considering the fact that the appellant was not a regular employee of the respondent-Management and his

engagement being contrary to the provisions of Articles 14 and 16 of the Constitution, it was held by the learned Single Judge that the only indulgence required was to enhance the compensation from Rs.27,000/- to Rs.2,50,000/-. The relevant extract from the order reads as under:-

“15. In the afore-mentioned facts and circumstances and considering the fact that the petitioner was not a regular employee and it has not been shown that due process was followed while appointing the petitioner; therefore, the Tribunal has rightly not granted relief of reinstatement with continuity of service and back wages to the petitioner. However, taking note of the fact that the petitioner had worked from October 2003 to March 2008 i.e. for almost 4½ years and his services were terminated in violation of the provisions of Section 25-F of the 1947 Act; coupled with the fact that the respondent-Management has not laid any challenge to the award passed by the Tribunal and also that the services of the petitioner were terminated on 29.04.2008 i.e. almost 15 years ago and petitioner had been litigating since 2009; I am of the considered opinion that the compensation awarded to the petitioner is on the lower side. In my considered view, the interest of justice would be met if the compensation awarded to the petitioner by the Tribunal is enhanced from Rs.27,000/- to Rs.2,50,000/-. Accordingly, the respondent-Management is directed to pay the enhanced amount of compensation to the petitioner (after adjusting Rs.27,000/- awarded by the Tribunal below, if already paid) within a period of three months from the date of receipt/presentation of a certified copy of this order. In case of non-payment of the amount to the petitioner within the stipulated period, the petitioner shall be entitled to simple interest at the rate of 6% per annum from the date of expiry of aforesaid period of three months till such time payment is made. Consequently, the Award dated 02.06.2014 (Annexure P-1) passed by the Tribunal shall stand modified to the extent indicated above.”

10. We find that at the time of alleged retrenchment i.e. 28.04.2008, the appellant had put in almost 5 years of service.

The learned Single Judge, while enhancing the compensation to Rs.2,50,000/- has taken into consideration that he had been litigating for the last 15 years. Learned counsel for the appellant could not be able to point out any illegality in the findings recorded by the Industrial Tribunal as regards the engagement/appointment of the appellant in contravention of the provisions of Articles 14 and 16 of the Constitution of India. Merely because the appellant has been litigating before the Courts for the last more than 15 years, is no ground to order his reinstatement, especially in view of the law laid down by the Hon'ble Supreme Court in **BSNL vs. Bhurumal**, 2014 (2) SCT 49, we find that the order passed by the learned Single Judge is perfectly valid and no indulgence is required to be granted to the appellant in the present appeal. The order passed by the learned Single Judge, therefore, does not suffer from any infirmity or perversity.

11. In view of the above, finding no merits, the present appeal is hereby dismissed.

12. Pending application(s), if any, shall also stand disposed of.

(SUDHIR SINGH)
JUDGE

(SUKHVINDER KAUR)
JUDGE

03.03.2025

Ajay Prasher

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