



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

CWP-3299-2019 (O&M)

Date of decision: 13.01.2026

Sandeep Kumar

....Petitioner

Versus

The Presiding Officer, Industrial Tribunal-cum-Labour Court, Gurugram
and another

....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Zorawar Singh, Advocate,
for the petitioner.

Mr. Ashwani Talwar, Senior Advocate, with
Mr. Deepak Goyat, Advocate, and
Mr. Nikhil Sehrawat, Advocate,
for respondent No.2.

KULDEEP TIWARI, J. (Oral)

1. By way of instant writ petition filed under Articles 226/227 of the Constitution of India, an award dated 19.11.2018 (Annexure P-4), rendered by the learned Industrial Tribunal is put to challenge, vide which, the petitioner-workman was denied the relief of reinstatement, but was granted an amount of Rs.3,50,000/- as compensation, towards full and final settlement.

2. Learned counsel for the petitioner submits that once the learned Industrial Tribunal came to the conclusion that act of the respondent-Management in terminating services of the petitioner, is illegal, it ought to have ordered reinstatement. Further, the learned Industrial Tribunal failed to consider the period of the service rendered by the petitioner, while passing the impugned award. However, he fairly



submits that since the petitioner was terminated in the month of April, 2013, and as such, a period of around 13 years has already elapsed, he would not press the petition qua the relief of reinstatement. Accordingly, he confines his prayer only to the extent that adequate compensation be granted to the petitioner-workman, keeping in view his length of service.

3. On the other hand, learned Senior counsel for the respondent-Management submits that FIR No.84, dated 09.02.20213, under Sections 354/506 of the Indian Penal Code, and 4B/10 of the Protection of Children from Sexual Offences Act, 2012, was registered against the petitioner at police Station City Gurgaon, for outraging modesty of a minor girl. As a natural consequence, the respondent-Management was not able to repose faith in the workman. Still, three registered letters/notices were served upon the petitioner to join the duty, but he did not choose to. Further, he submits that as per the Certified Standing Orders, if an employee remains absent for 30 days, he would be deemed to have abandoned the job. Similar is the position in the matter at hand. Therefore, the impugned award does not warrant any interference.

4. This Court has heard the rival submissions advanced by learned counsel for the parties and has carefully examined the record.

5. Since, learned counsel for the petitioner, on instructions, has submitted that he would not press the petition as regards the relief of reinstatement, therefore, the said prayer has become redundant. Accordingly, the only issue, which requires adjudication, is *qua* the compensation.

6. It is a matter of record that the learned Tribunal has categorically observed that the respondent-Management is responsible



for infraction of Section 25-F of the Industrial Disputes Act, 1947. It has also been recorded that the Management did not comply with clause 34 of the Standing Orders, therefore, the contention raised by the learned Senior counsel for the respondent-Management, in this regard, is outrightly rejected. Further, if, at all, the respondent-Management is aggrieved by the award, it has the option to assail the same, but it opted not to. In such a situation, it can be easily fathomed that the respondent-Management admits fault on its part as regards infraction of Section 25-F (supra).

7. Adverting to the issue of determination of quantum of compensation, it would be appropriate to refer to the judgment rendered by a Division Bench of this Court in **CWP-11057-2001 (State of Haryana v. Surjeet and another)**, decided on 30.07.2025, wherein the workman was held entitled to lump sum compensation of ₹50,000/- for each completed year of service. The relevant observations are as follows:-

“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 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. Concededly, in the present case, the workman had rendered about 6 years and 3 months of service with the respondent-Management. Further, the learned Industrial Tribunal has also highlighted the violation of Section 25-F of the Act, though, did not grant the relief of reinstatement, but granted only 3,50,000/-, which, in the considered opinion of this Court, is on lower side. For, at least, an amount of



Rs.1,00,000/- for each completed year, ought to have been granted to the workman. To hold so, this Court also takes into the consideration the decision dated 12.12.2025, rendered by this Court in CWP-2245-2001 (State of Haryana through General Manager, Haryana Roadways, Panipat Vs. Rajinder Prasad and another), wherein, the position of law on the subject has been discussed in detail.

9. Having regard to the totality of the facts, this Court is of the considered view that ends of justice would be met, if the petitioner is awarded a compensation of Rs.2,50,000/- over and above the compensation granted by the learned Industrial Tribunal. At this stage, learned Senior counsel for the respondent informs the Court that the compensation of Rs.3,50,000/-, granted by learned Tribunal, has already been remitted to the petitioner.

10. Accordingly, respondent-Management is directed to pay an amount of Rs.2,50,000/- to the workman within eight weeks from the receipt of a certified copy of this order, failing which workman shall be entitled to 9% interest per annum, from the date of filing of this petition.

11. With the abovesaid observations, the instant writ petition stands **disposed of**, accordingly.

(KULDEEP TIWARI)
JUDGE

13.01.2026
Ak Sharma

Whether speaking/reasoned	Yes
Whether reportable	Yes/No