



CWP-11131-2001

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

(224)

CWP-11131-2001

Date of Decision : 05.05.2026

Rajesh Kumar

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Sehaj Bir Singh, Advocate (Legal Aid Counsel) and
Ms. Muskan Gill, Advocate for the petitioner.

Mr. Kapil Bansal, DAG, Haryana.

KULDEEP TIWARI, J. (ORAL)

1. The petitioner/workman, fetching grievance from the award dated 26.09.2000 (Annexure P-6), passed by respondent No.2, wherethrough, the reference was answered against him, has approached this Court, challenging its legality, by filing the instant writ petition, under Article 226/227 of the Constitution of India.

2. Learned Tribunal, through the award (supra), has observed that the petitioner/workman, has not completed minimum 240 days, in the preceding year, from the date of termination of his services, and therefore, has declined to grant any relief to him.

3. Learned counsel for the petitioner/workman, at the very outset, has drawn the attention of this Court towards the muster rolls (Exh.W-1 to Exh.W-21), which were produced by Sh. Dharam Pal, Accounts Clerk, who stepped into the witness box, as WW-2, which clearly reflects that the

petitioner/workman, has worked from 01.02.1993 to 31.07.1994, on the post



of Peon, and this comes out to be 267 days. He further draws the attention of this Court towards the impugned award, and submits that though the fact (supra), was recorded in the award, however, cognizance of the same has not been taken, while answering the reference against him, rather, the only evidence adduced by the respondent/Management, were taken into consideration by learned Tribunal. He further submits that though no reasons, whatsoever, has been assigned by learned Tribunal, for not giving any weightage to the evidence adduced by the petitioner/workman, by producing the witness, who happens to be the Accounts Clerk, of the respondent/Management, itself.

4. On the other hand, learned counsel for the State, submits that the respondent/Management, has also produced Sh. Nand Lal, Assistant, who appeared as MW-1, and stated that the petitioner/workman, was engaged for 89 days, w.e.f. 13.08.1993 to 07.06.1994, as Peon. He has produced the photocopy of muster rolls, as Exh.M-3 and Exh.M-4. Therefore, the evidence, which is strictly coming from the custodian, carries more weight, and learned Tribunal has rightly given the weightage to this evidence, for concluding that the petitioner/workman, has not completed minimum 240 days, in the preceding year.

5. This Court has considered the submissions made by learned counsel for the parties concerned.

6. The fact, which cannot be denied that Dharam Pal, Accounts Clerk, who stepped into the witness box, as WW-2, is in fact, the employee of the respondent/Management, who has also got the record being custodian, and there is no objection by the respondent/Management, with regard to the veracity of Exh.W-1 to Exh.W-21. In that eventuality, learned Tribunal ought



to have been given a finding, as to why, this piece of evidence was not considered. Unfortunately, learned Tribunal has failed to take into consideration this piece of evidence rather, the only limited evidence adduced by the respondent/Management, was considered to hold that the petitioner/workman, lacks minimum 240 days, in the preceding year. Thus, it is clear that there is perversity of facts, which requires interference by this Court.

7. The evidence adduced by the petitioner/workman, is sufficient to hold that he has completed 240 days, in the preceding year, thereby, entitling him to raise the plea of infraction of Section 25(F) of the Industrial Disputes Act, 1947 (for short 'the ID Act').

8. It is nowhere, the case of the respondent/Management, that compliance of provisions of Section 25(F) of the ID Act, has been made, therefore, the act of terminating the services of the petitioner/workman, is held to be illegal.

9. Now the issue, which arises for consideration before this Court is, as to whether, what relief the petitioner/workman, is entitled for?

10. It is not disputed by learned counsel for the petitioner/workman, that he was not employed through proper channel, or any selection process was duly followed. Furthermore, he was not sponsored by any employment exchange, and his services were terminated way back in the year 1994, and there is nothing on record that he was working on a sanctioned post. Therefore, the petitioner/workman, is not entitled for the relief of reinstatement.

11. This Court is of the considered opinion that the claim of the petitioner/workman, can be satisfied by paying a lump sum compensation, in



proportion to the years, he has worked with the respondent/Management. In the instant case, the petitioner/workman, has worked about one year, with the respondent/Management, before his services were terminated.

12. The Division Bench of this Court in *LPA-1203-2021*, titled '*Sukhbir Singh versus State of Punjab and others*' decided on 01.03.2023, has already held that the workman is entitled for each preceding year, to the tune of Rs.50,000/-. This aspect has further been considered, and the compensation was enhanced to Rs.1,00,000/-, for each completed year, by Coordinate Bench of this Court in the judgment passed in *CWP No.11057 of 2001*, titled '*State of Haryana vs. Surjeet and another*' decided on 30.07.2025.

13. In view of the judgment (supra), this Court modifies the impugned award, to the extent, that the petitioner/workman is entitled for lump sum compensation of Rs.1,00,000/-, for each year he worked with the respondent/department. Therefore, the respondent/Management, is directed to pay compensation of Rs.1,00,000/-, to the petitioner/workman, within a period of eight weeks, from the date of receipt of certified copy of this order.

14. In case, the amount (supra), is not paid within the stipulated period, the petitioner/workman, shall further be entitled for the interest @ 9%.

15. Consequently, the instant writ petition is **disposed of**.

16. Before parting with this order, this Court records appreciation for Mr. Sehaj Bir Singh, Advocate, for assisting the Court, as '*Legal Aid Counsel*' in the instant matter.

(KULDEEP TIWARI)
JUDGE

May 05, 2026

Manpreet

Whether speaking/reasoned

: Yes/No

Whether reportable

: Yes/No