



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

CWP-10197-2019

Date of decision: 17.02.2026

Kasmira Singh

....Petitioner

Versus

Presiding Officer, Industrial Tribunal, District SAS Nagar and another

....Respondents

2.

CWP-15693-2019

M/s Director/Punjab Institute of Management & Technology, Mandi
Gobindgarh, District Fatehgarh Sahib

....Petitioner

Versus

Presiding Officer, Industrial Tribunal, SAS Nagar, Mohali and another

....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Ravi Gakhar, Advocate,
for the workman.

Mr. Parveen K. Kataria, Advocate,
for the Management.

KULDEEP TIWARI, J. (Oral)

1. Since both these writ petitions are directed against the same award dated 09.10.2018 (Annexure P-1), therefore, with the consent of learned counsel for the parties, these are being decided, vide this common order. **CWP-10197-2019** has been preferred by the workman on the ground that despite being answering the reference in his favour, the relief of reinstatement has been denied, and a meager amount of



Rs.1,40,000/- only, was granted towards compensation. Conversely, **CWP-15693-2019**, has been filed by the Management against the relief granted to the workman.

2. Learned counsel for the workman submits that once the termination was held to be illegal, the relief of reinstatement ought not to have been denied. So much so, even the compensation granted to the workman, i.e. Rs.1,40,000/- only, is too meager to justify, in view of the length of service, which the learned Tribunal failed to take into consideration. However, he asserts that almost a decade and a half has rolled by since institution of the reference, therefore, the workman would be satisfied, if he is awarded an adequate compensation.

3. *Per contra*, it is submitted that the Management has produced on record voluminous documentary evidence in the form of Ex. M3 to Ex.M14, to demonstrate the sheer uncalled for, and unprofessional conduct on the part of the workman. He was served with various show cause notices for his inefficient performance and absenteeism from duty, but neither did he mend his ways, nor did he join. Therefore, he was not terminated in either way. However, the learned Tribunal has apparently failed to factor in all these relevant aspects of the matter, while answering the reference in his favour.

4. This Court has heard learned counsel for the contesting parties, and gone through the record.

5. In nutshell, the facts qua which, there is no wrangle between the parties, are that the workman was engaged as Safai Sewak on 17.02.2001, with the Management, at the monthly remuneration of



Rs.3,878/-. However, on account of allegations of inefficiency in performing the duty, and repeatedly absenting himself, he was removed from service on 21/24.11.2010. Aggrieved, the workman filed a demand notice. Eventually, an industrial dispute under Section 10(1)(c) of the Industrial Disputes Act, 1947 (for short, 'the Act'), was referred to the learned Tribunal for adjudication, as to whether, services of the workman were terminated in illegal and unjustified manner? If so, to what relief, he is entitled?

6. Upon notice, the Management contested the reference, by filing a written statement. It was categorically set out that the workman was not only a habitual absentee, but was also a non performing employee. In this regard, he had been served with repeated notices, to which, he tendered apologies in writing, and thus, he admitted his guilt.

7. After analysing the matter in issue, and the evidence brought on record, the learned Tribunal came to a conclusion that services of the workman were terminated illegally. However, considering his conduct, the workman was denied the relief of reinstatement, but was granted a compensation of Rs.1,40,000/-.

8. It is a matter of record that the learned Tribunal, in essence, emphatically culled out that it is not a case of voluntary abandonment, but of illegal termination from service. So far as the documents relied upon by the Management are concerned, the same could not be of any help. For the reason that Ex.M-3 to Ex-M9, were the complaints made by some of the hostel students and warden against the workman, for not performing sanitation work properly, during 2008 and 2009, to which, he



duly tendered apology, vide Ex.M10 to M13. As far as Ex.M14, is concerned, again it was an apology tendered by the workman, and that too in the year 2007. Therefore, it is clear that no such complaint was ever received in the year 2010. In such a situation, there was no occasion for the Management to call off the services of the workman in the year 2010. Further, even if there was any gross misconduct on his part, the Management could have served him with a show cause notice, which it failed to. In such circumstances, the only presumption that permeates the record is; the workman was punished for the wrongdoings, if any, which had already been pardoned by the Management by accepting his apologies, as explained above. In this view of the matter, this Court is of the affirmed view that learned Tribunal rightly held the termination of the workman illegal.

9. However, since learned counsel for the workman submits that with the efflux of time, the workman does not intend to impress upon the relief of reinstatement, this Court leaves this issue, at that only.

10. In the wake of the above, the only issue, which remains to adjudicated by this Court, is with regard to the quantum of compensation. Before proceeding in that direction, it would be expedient to have a look on the decision dated 30.07.2025, rendered by a Coordinate Bench of this Court in **CWP-11057-2001 (State of Haryana versus Surjeet and another)**, wherein, while dealing with a somewhat similar situation, the workman therein was held entitled to compensation of Rs.50,000/- for each preceding year:-

“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.”

11. Reverting to the factual matrix of the matter at hand, the workman had rendered services to the Management for about 09 years, i.e. from 2001 to 2010. Further, *albeit*, the impugned award was passed in the year 2018, but the workman had been pursuing his cause diligently since 2011. It is also relevant to keep in mind, while quantifying the compensation, that the workman has given up the relief of reinstatement, and he was drawing Rs.3,878/- as monthly remuneration. In the light of all these factual aspects, this Court is of the considered view that interest of justice would be served, if the impugned award is modified to the extent that the workman is entitled to Rs.1,00,000/- for each year he rendered service, which works out to Rs.9,00,000/-, as a lump sum compensation, including the compensation, as awarded by the learned Tribunal.

12. Ordered accordingly.



13. The Management is directed to pay the abovesaid amount to the workman, within a period of six weeks from the receipt of a certified copy of this order, failing which, he shall be entitled to interest @ 6% per annum, from the date of filing of the petition before this Court.
14. In summa, the writ petition filed by the workman (CWP-10197-2019), stands **disposed of**, with the abovesaid modification in the impugned award. As a consequence, CWP-15693-2019, preferred by the Management stands **dismissed**.
15. A photocopy of this order be placed on the file of connected case.

(KULDEEP TIWARI)
JUDGE

17.02.2026
Ak Sharma

Whether speaking/reasoned	Yes
Whether reportable	Yes/No