



109

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

**LPA-1055-2026 (O&M)
Date of decision: 07.05.2026**

SURINDER SINGH

...Appellant(s)

VERSUS

M/S SECURITRANS INDIA PVT. LTD. AND ANOTHER

...Respondent(s)

**CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI
HON'BLE MRS. JUSTICE AMARJOT BHATTI**

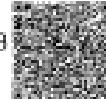
Present:- Ms. Kushaldeep Kaur, Advocate and
Ms. Sharvi Dadhwal, Advocate for the appellant.

JASGURPREET SINGH PURI, J. (Oral)

CM-2595-LPA-2026

Prayer in this application is for condonation of delay of 233 days in filing the present appeal.

Learned counsel for the applicant-appellant submitted that although there has been a delay of 233 days in filing the appeal but the same can be explained. While referring to paragraph No.3 of the application, she submitted that the applicant-appellant is a poor person and was not able to engage a Lawyer and in fact, he had earlier pursued the litigation before the learned Labour Court through legal aid/*pro bono* assistance and it was only because of lack of financial resources and dependence upon such legal aid/*pro bono* assistance that the aforesaid delay occurred and therefore, in view of the aforesaid hardship, the delay may be condoned.

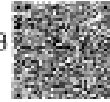


After hearing the learned counsel for the applicant-appellant and perusing the present application, which is supported by an affidavit of the applicant-appellant, this Court deems it fit and proper to allow the present application considering the grounds taken therein.

Consequently, the present application is allowed. The delay of 233 days in filing the present appeal is hereby condoned.

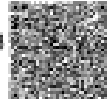
LPA-1055-2026

1. The present Letters Patent Appeal has been filed under Clause X of the Letters Patent Act for setting aside the judgment dated 18.07.2025 passed by the learned Single Judge in Civil Writ Petition No.18113 of 2025.
2. Learned counsel for the appellant submitted that the present appeal has been filed only to a limited extent, whereby the learned Single Judge while disposing of the writ petition granted liberty to respondent No.1 to initiate action against the appellant after eight years of illegal termination, which has caused prejudice to him and therefore, the present appeal may be considered only to the aforesaid limited extent.
3. Learned counsel for the appellant while giving the brief facts of the case submitted that the appellant was working as a Cash Custodian with respondent No.1-Company, which is a private limited company and his services were terminated without making recourse to the statutory provisions of the Industrial Disputes Act, 1947 and also without adhering to the principles of natural justice, whereby neither any show cause notice nor any charge-sheet was issued to the appellant nor any inquiry was conducted and a reference under Section 10 of the Industrial Disputes Act, 1947 was made, which was



answered in favour of the appellant by the Industrial Tribunal, Bathinda on 30.01.2025, whereby it was directed that the appellant be reinstated on the terms and conditions when he was earlier appointed by respondent No.1 with continuity of service, along with back wages of 30%. It was further directed by the Industrial Tribunal that respondent No.1 will permit the appellant to join within one month from the date of publication of the award, failing which the appellant shall be entitled to interest @ 6% per annum from the date of order till its realization on the back wages.

4. The aforesaid award passed in favour of the appellant was assailed by respondent No.1 by filing a writ petition before this Court bearing CWP No.18113 of 2025. Learned counsel for the appellant submitted that there were other similar awards also passed in favour of other workmen, against which respondent No.1 had filed separate writ petitions and those writ petitions were decided by the learned Single Judge in *CWP No.17736 of 2022*, titled as *M/s Securitrans India Pvt. Ltd. versus Mangal Singh and another* and two other connected cases, on 03.02.2025 and a copy of the said judgment has been attached along with the present appeal. It was on the basis of the aforesaid judgment dated 03.02.2025 that the writ petition pertaining to the present appellant, namely, Surinder Singh was also decided in the same terms as in CWP No.17736 of 2022 vide order dated 18.07.2025. She further submitted that there is no dispute with regard to the fact that all these cases were similar in nature. While referring to the aforesaid judgment passed by the learned Single Judge in the aforesaid petition bearing No.CWP No.17736 of 2022 dated 03.02.2025, she submitted that the learned Single Judge although has dismissed



the writ petition filed by respondent No.1-Company but at the same time has so clarified in the last paragraph of the aforesaid judgment that once the workmen are reinstated, they become the employees of respondent No.1 and in case the appellant has misconducted prior to his retrenchment or thereafter, then it is the jurisdiction of the department to take appropriate action in accordance with law.

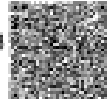
5. Learned counsel for the appellant submitted that the appellant herein is aggrieved by the aforesaid portion of the judgment passed by the learned Single Judge in paragraph No.9, whereby the aforesaid liberty has been granted to respondent No.1. She further submitted that when reference was made to the Industrial Tribunal, the Tribunal answered the same in favour of the appellant and in its award, it held that not only the appellant has been wrongfully terminated on account of violation of the provisions of the Industrial Disputes Act as the retrenchment compensation was not paid on the date of termination of the service but only after about two months, but also the termination was bad in law and even otherwise also, since no show cause notice or any charge-sheet was issued, the aforesaid termination was bad in law and therefore, in other words, the Industrial Tribunal has held that the termination of the appellant was bad in law both because of violation of the provisions of the Industrial Disputes Act and also on the ground of violation of the principles of natural justice in absence of any show cause notice or any departmental inquiry and accordingly, the Industrial Tribunal held that the appellant was entitled to reinstatement along with back wages to the extent of 30%. She also submitted that once the aforesaid finding has been recorded, then there was no occasion



for the learned Single Judge to have clarified the aforesaid position that respondent No.1-Management can always proceed against the appellant in accordance with law for taking further action on the same cause of action.

6. We have heard the learned counsel for the appellant and have also perused the impugned judgment as well as the award passed by the Industrial Tribunal, Bathinda.

7. The Industrial Tribunal, Bathinda, while answering the reference in favour of the appellant has reinstated him with continuity of service, along with back wages to the extent of 30%. It was held that there was violation of the provisions of the Industrial Disputes Act as the retrenchment was not effected in accordance with law. It was also observed by the Industrial Tribunal that no show cause notice or charge-sheet was issued to the appellant. However, a perusal of the relief clause of the award dated 30.01.2025 would show that there is nothing to indicate that the termination of the appellant was set aside only because of the reason of violation of the provisions of the Industrial Disputes Act, although the same was one of the reasons in this regard. The aforesaid finding that respondent No.1-Management has violated the terms and conditions of the appointment letter and did not comply with the provisions of the Industrial Disputes Act, 1947, is also contained in paragraph No.13 of the aforesaid award. Therefore, in any case, the termination of the appellant was set aside either on account of violation of the provisions of the Industrial Disputes Act or on account of non-adherence to the principles of natural justice by non-issuance of a show cause notice or charge-sheet etc. but the effect of the same was that the

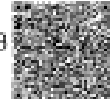


appellant was reinstated with continuity in service, along with back wages to the extent of 30%.

8. When respondent No.1-Management filed writ petitions before this Court, the learned Single Judge not only in the said petitions but also in other similar cases, dismissed the writ petitions. However, in the last paragraph of the judgment dated 03.02.2025, it was so observed that once respondent No.1-Management has reinstated the appellant, then he becomes the employee of respondent No.1-Management and in case the appellant has misconducted prior to his retrenchment or thereafter, then it is the jurisdiction of the department to take appropriate action in accordance with law. Paragraph No.9 of the aforesaid judgment dated 03.02.2025 is reproduced as under:-

“9. At this stage, learned counsel for the petitioner submits that as the respondents-workmen had misconducted themselves, liberty may be given to proceed against them in accordance with law. In this regard, it may be noted that once the respondents-workmen are reinstated, they become employees of the petitioner and in case they have misconducted prior to their retrenchment or thereafter, it is the jurisdiction of the department to take appropriate action in accordance with law.”

9. We are of the considered view that after the dismissal of the writ petition by the learned Single Judge, the appellant is aggrieved only by the aforesaid portion as reproduced above and the same cannot be considered to be inappropriate or contrary to law. The mere fact that while discussing the reasons for termination by the Industrial Tribunal, the reference was thereafter ordered in favour of the appellant and the Management was directed to reinstate the



appellant would not mean that it becomes an embargo on the Management from proceeding in accordance with law. The termination was defective in nature, which could be because of violation of the provisions of the Industrial Disputes Act or because of non-adherence to the principles of natural justice by non-issuance of a show cause notice or charge-sheet etc. but at the same time, once the appellant has been reinstated, he becomes an employee of the Management and therefore, the aforesaid observations made by the learned Single Judge that the Management can always proceed in accordance with law with regard to any allegations cannot be said to be perverse in nature.

10. In view of the aforesaid facts and circumstances, this Court is of the considered view that the present appeal is devoid of any merit and we find no ground to interfere with the impugned judgment.

11. Consequently, the present Letters Patent Appeal is dismissed.

12. Miscellaneous applications, if any, shall also stand disposed of.

(JASGURPREET SINGH PURI)
JUDGE

(AMARJOT BHATTI)
JUDGE

07.05.2026
Chetan Thakur

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