



CWP-10580-2013

1

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

(228)

CWP-10580-2013

Date of Decision : 17.02.2026

Satish Kumar

...Petitioner

Versus

M/s Hansa Flon Plasto Chem Ltd. and others

...Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Ashwani Bakshi, Advocate
for the petitioner.

Mr. R.S. Mamli, Advocate
for respondent No.3.

KULDEEP TIWARI, J. (ORAL)

1. Through the instant writ petition, cast under Article 226 of the Constitution of India, the petitioner/workman has challenged the legality of the award dated 04.10.2011 (Annexure P-1), as passed by learned Industrial Tribunal cum Labour Court-II, Gurgaon, whereby, the petitioner/workman was held entitled for a lump sum compensation of Rs.20,000/-, only.

2. Learned counsel for the petitioner submits that once there is a positive finding by learned Tribunal concerned, that it is a case of victimization by the respondent/Management, therefore, instead of granting compensation, the petitioner/workman is entitled for relief of reinstatement. He further submits that the petitioner/workman, worked with the respondent No.1/Management, from 01.05.1998 to 09.03.1999, thereby, he has completed 240 days in the preceding year, and on account of infraction of provisions of

**CWP-10580-2013****2**

coupled with the fact that there is a positive finding of victimization, the petitioner/workman is entitled for the relief of reinstatement.

3. Finally, he submits that during the pendency of the instant writ petition, the unit of the respondent No.1/Management, has been closed, and therefore, the relief of reinstatement to the petitioner/workman, cannot be granted, at this stage. Learned counsel for the petitioner also submits that the petitioner has impleaded M/s. Higrow Industries, IMT, Manesar, District Gurgaon, in the array of respondents, as respondent No.3, by filing CM-4237-CWP-2017, as there are common shareholders of respondent No.1 and respondent No.3-company, respectively, and a direction can be passed upon the respondent No.3-company, to reinstate the petitioner/workman, in their company.

4. On the other hand, learned counsel appearing on behalf of the respondent No.3, submits that the respondent No.3, is a proprietorship establishment, and has no concern whatsoever with the respondent No.1, which is private limited company, and therefore, respondent No.3, is not liable to discharge any liability of respondent No.1.

5. This Court has examined the submissions, as made by learned counsels for the parties concerned, and has gone through the impugned award.

6. Since the unit of respondent No.1, has already been closed during the pendency of the instant writ petition, therefore, the relief of reinstatement, as sought through the instant writ petition, does not require adjudication. Furthermore, the respondent No.3, which is an independent firm, has no liability of respondent No.1. Even, the petitioner/workman, has not brought anything on record requiring this Court to fasten the liability of respondent No.1, upon the respondent No.3, which is a proprietorship firm.



CWP-10580-2013

3

7. Now the issue, which arises for consideration is, as to whether, learned Industrial Tribunal concerned, has awarded adequate compensation to the petitioner/workman, or not.

8. From perusal of the record, it transpires that the petitioner/workman, has worked with the respondent No.1/Management, for about 10 months. It is trite law that in case, termination of services of workman was found to be illegal, on account of infraction of Section 25(F) of the ID Act, the re-instatement is not automatic. The Court is required to take into consideration all the facts and circumstances of each case, before passing the order of re-instatement.

9. Reference, in this regard, can be made to the judgment delivered by the Hon'ble Supreme Court in ***Civil Appeal No.13834 of 2024***, titled '***Maharashtra State Road Transport Corporation vs. Mahadeo Krishna Naik***', decided on 14.02.2025.

10. On the anvil of above legal propositions, this Court has also examined the instant case. The services of the petitioner were terminated, way back in the year 1999, and he has worked for 10 months, therefore, this Court, is of the considered opinion that learned Tribunal concerned, has rightly not passed the award regarding re-instatement of the petitioner/workman. However, the compensation awarded to the petitioner/workman, *sine dubio* is meagre.

11. 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 compensation was enhanced to Rs.1,00,000/-, for each completed year, by this



CWP-10580-2013

4

Court in the judgment passed in *CWP No.11057 of 2001*, titled ‘*State of Haryana vs. Surjeet and another*’ decided on 30.07.2025.

12. In view of the above, this Court, modifies the impugned award, to the extent, that the petitioner/workman is entitled for compensation to the tune of Rs.1,00,000/-, which shall be paid to him, within a period of two months, from the date of receipt of certified copy of this order.

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

(KULDEEP TIWARI)
JUDGE

February 17, 2026
Manpreet

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