

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

109

CWP-21988-2016

Date of Decision : January 23, 2026

KAMLA

-PETITIONER

V/S

INDIAN COUNCIL FOR CHILD WELFARE AND ORS.

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Himanshu Sharma, Advocate
for the petitioner.

Mr. Sumeet Jain, Addl. Standing Counsel
for the U.T. Chandigarh.

KULDEEP TIWARI, J. (ORAL)

1. In compliance with the direction embodied in the order dated 12.01.2026, learned counsel for the petitioner has filed the amended memo of parties.

2. The present writ petition assails the award dated 18.11.2015 (Annexure P-14), whereby the Industrial Tribunal, U.T. Chandigarh, although held that the termination of the petitioner/workman was illegal, did not grant reinstatement and instead directed the respondent No.1/management to pay a lump-sum compensation of ₹ 25,000/-.

3. Concisely and compendiously, the workman joined the management as Safai Sewika/Helper on 08.11.2001 and was posted at New Creche, Sector 45, Chandigarh. Although the petitioner contends that she rendered continuous service until 13.08.2009, when her services were terminated, the management's case is that she worked full-time only for

three years and thereafter as a part-time helper until August 2009.

4. It is undisputed that neither compliance with Section 25-F of the Industrial Disputes Act, 1947 was made, nor any inquiry was conducted prior to the termination of the workman. On this basis, the Industrial Tribunal, through the impugned award, held the termination to be illegal. As the award was not challenged by the management, the findings embodied therein have attained finality.

5. During the pendency of the writ petition, it was brought to the notice of this Court that the respondent No.1-Indian Council for Child Welfare, Chandigarh, stands dissolved, and its functions have been taken over by the Department of Social Welfare, Women and Child Development, Chandigarh Administration, which was subsequently impleaded as the respondent No.3. In view of this supervening development, this Court passed the following order on 12.01.2026:-

“1. The impugned award has been assailed on the ground that despite the petitioner/workman rendering service for a considerable period of eight years with the management, the Industrial Tribunal, instead of granting the relief of reinstatement, awarded only a paltry sum of ₹25,000/- as lump-sum compensation.

2. Learned counsel representing the U.T. Chandigarh submits that the Chandigarh Council of Child Welfare has since been dissolved vide Certificate of Dissolution of Society dated 20.12.2024. He supplied a copy thereof, which is taken on record as “Mark A (Colly)”. It is further submitted that the entire operations of the dissolved Council are now undertaken by the Department of Social Welfare, Women and Child Development, Chandigarh Administration.

3. On oral request of learned counsel for the petitioner, the Department of Social Welfare, Women and Child Development, Chandigarh Administration, is impleaded as respondent No.3 in the

present writ petition. He is directed to file the amended memo of parties before Registry of this Court well before the next date of hearing.

4. No notice is required to be issued to the newly impleaded respondent, as it stands represented by Mr. Sumeet Jain, Addl. Standing Counsel, U.T. Chandigarh.

5. In view of the fact that the relief of reinstatement is not feasible owing to the dissolution of the Chandigarh Council of Child Welfare, learned counsel for the petitioner seeks time to have instructions as to whether the petitioner is willing to amicably settle the dispute by accepting an enhanced amount of lump-sum compensation.

6. Request allowed.

7. List on 23.01.2026, in the urgent list.

8. It is made clear that, on the subsequent date of hearing, no request for adjournment would be entertained on behalf of either side, except for strong and compelling reasons.”

6. This Court has heard learned counsel for the parties and made a studied survey of the record.

7. It is undisputed that the workman rendered continuous service for three consecutive years, followed by part-time service for over four years. Having considered the matter, this Court finds the compensation awarded by the Industrial Tribunal to be grossly inadequate. In determining the quantum of compensation, it is deemed imperative to refer to the judgment of the 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. In view of the ratio laid down in ***Surjeet’s*** case (*supra*), this Court is of the considered view that it would meet the ends of justice to award the workman a lump-sum compensation of ₹4,00,000/-. Consequently, the impugned award is modified to the extent that the workman is entitled to ₹4,00,000/- as lump-sum compensation.

9. The management is directed to remit the aforesaid amount to the workman within a period of nine weeks from the date of receipt of a certified copy of this order, failing which the said amount shall carry interest @ 9% per annum.

10. **Disposed of accordingly.**

January 23, 2026
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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No