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

CWP-7898-2016

Date of Decision : **20.04.2026****SURAJ PARKASH**

.....Petitioner

VERSUS**STATE OF PUNJAB AND ANOTHER**

.....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. R.K. Handa, Sr. Advocate assisted by
Mr. D.B. Bhandari, Advocate,
for the petitioner.

Mr. Amit Kumar Goyal, Addl.A.G., Punjab.

Mr. Baljinder Singh, Advocate,
for respondent no.2.

KULDEEP TIWARI, J.(Oral)

1. Through the instant petition, filed under Article 226/227 of the Constitution of India, fetching grievance from the Award dated 24.07.2014 (Annexure P-1), wherethrough, despite the reference having been answered in favour of the petitioner, while holding his termination illegal, and thereby, instead of granting reinstatement alongwith back wages, he was granted compensation of Rs.10,000/- only.

2. Learned senior counsel for the petitioner submits that once the termination of the petitioner was held to be violative of Section 25-F of the Industrial Disputes Act, 1947, the learned Tribunal ought to have granted the relief reinstatement, instead of awarding a meagre compensation of Rs.10,000/-.

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3. He further submits that in case, this Court finds that the reinstatement was rightly declined, then the compensation which has been awarded is inadequate. Therefore, he requests for enhancement of compensation.

4. On the other hand, learned counsel for respondent no.2, strongly opposes the submissions, as made by learned senior counsel for the petitioner. He submits that the petitioner had worked only for one year. Although, there is a violation of Section 25-F of the Industrial Disputes Act, 1947, the petitioner does not *ipso facto* become entitle to reinstatement on this ground alone. He further submits that this issue has been dealt with in *extenso* by the learned Tribunal, which has rightly declined the relief of reinstatement. He also protects the decision of the learned Tribunal with regard to the compensation.

5. This Court has examined, the issue in hand, with the able assistance of both learned counsel for the parties.

6. In the instant case, there is no dispute regarding the fact that the petitioner had worked with the respondent no.2-management, only from 08.12.2007 to 14.01.2009. It is also not under dispute that there was a violation of Section 25-F of the Industrial Disputes Act, 1947, prior to termination of the petitioner's services. However, this Court cannot be oblivious to the fact that the petitioner was not a regular employee, and his engagement was purely on *ad hoc*/temporary basis, and was not made in accordance with due process of recruitment. Further, the petitioner had worked only for about one year. All these aspects were duly examined in



the correct perspective by the learned Tribunal, which rightly declined the relief of reinstatement. The relevant is extracted hereinafter:

“14. However, non-compliance of the provision of Section 25-F of the Industrial Disputes Act-1947 although may lead to the grant of relief of reinstatement with full back wages and continuity of service in favour of the retrenched workman, the same would not mean that such relief is be granted automatically or as a matter of course, as has been held by the Hon'ble Supreme Court in Haryana State Electronics Development Corporation Ltd. Vs. Mamni, 2006 (2) LLJ Page. 744 (SC). In the said case Hon'ble Supreme Court modified the impugned Award by directing that the workman shall be compensated by payment of Rs.25,000/- instead of order of reinstatement with back wages.

15. Suraj Parkash was not the regular employee of Proper the respondent department. procedure was not followed while giving him employment. Such type of ad-hoc/temporary appointments being contrary to the provisions of Article 14 and 16 of the Constitution are illegal, as has been held by the Hon'ble Supreme Court in Secretary, State of Karnataka Vs. Uma Devi and other 2006 (2) LLJ Page. 722 (SC).

16. In the light of the above discussion, it is held that workman Suraj Parkash is entitled to relief of reinstatement with back wages. Taking into consideration the fact that the services of workman were terminated in violation of the provisions of Section 25-F of the I.D.A., 1947 and that he worked with the respondent from 08.12.2007 to 14.01.2009 and that this reference remained pending for about 5 years, interests of justice shall be served if compensation worth Rs.10,000/- (Rupees ten thousand only) is directed to be paid to the workman by the Respondent.”

7. Now the issue which requires consideration of this Court, is, as to whether, the compensation of Rs.10,000/- as awarded, is adequate or not?

8. In this regard, this Court finds merits in the submissions, as made by learned senior counsel for the petitioner. The petitioner had worked for about one year, and the compensation of Rs.10,000/- as



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awarded, is totally inadequate, specifically, considering that he has to fight for his right upto this Court. This Court draws strength from the judgement passed by a co-ordinate bench of this Court in '**State of Haryana vs. Surjeet and another, decided**' (CWP-11057-2001 decided on 30.07.2025), wherein it was held the workman is entitled to lump sum compensation of Rs.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



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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.”

9. Therefore, while following the dictum in the judgement (*supra*), this Court can safely conclude that the compensation as awarded to the petitioner, vide impugned Award, is inadequate, and the end of justice would be met by enhancing the compensation to Rs.1 lakh.

10. Accordingly, the impugned Award is modified to the extent that petitioner-workman, shall be entitled to a lump sum compensation of **Rs.1 lakh**, in lieu of reinstatement with continuity of service.

11. The aforesaid compensation amount of Rs.1 lakh, shall be deposited in the bank account of the petitioner-workman, i.e. A/C 65208281448, IFSC SBIN0050212, MICR no.147002028, SBI, within a period of six weeks from the date of receipt of a certified copy of this order. Failing which, the petitioner-workman shall be entitled for interest at the rate of 9% p.a., on account of delayed payment.

12. **Disposed of** accordingly.

13. All pending application(s), if any, also stand **disposed** of accordingly.

April 20, 2026
dharamvir

(KULDEEP TIWARI)
JUDGE

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