

**CWP-29343-2019**

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114**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CWP-29343-2019**Date of Decision : **16.04.2026****INDU**

.....Petitioner

VERSUS**PRESIDING OFFICER INDUSTRIAL TRIBUNAL AND LABOUR
COURT AND OTHERS**

.....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Amit Kaith, Advocate with
Mr. Abhinav Sharma, Advocate,
for the petitioner.

Ms. Oshin Swani, Advocate for
Mr. Puneet Sharma, Advocate,
for respondents no.2 and 3.

KULDEEP TIWARI, J.(Oral)

1. Through the instant petition, filed under Article 226/227 of the Constitution of India, the Award dated 25.04.2009 (Annexure P-3), passed by the Industrial Tribunal (respondent no.1), has been put to challenge by workman, as despite the reference having been answered in her favour, while holding her termination illegal, instead of granting reinstatement alongwith back wages, she was granted compensation of Rs.15,000/- only.

2. Learned counsel for the petitioner-workman submits that the petitioner-workman had worked for four years, i.e. from 16.07.2011 to 30.05.2015, and this aspect has not been considered while declining the

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relief of reinstatement. However, he submits that the petitioner's services were terminated way back in the year 2015, therefore, at this stage, since about 11 years have elapsed, he is not pressing for the relief of reinstatement. Instead, he limits his prayer, with regard to inadequacy of compensation, as awarded to the petitioner.

3. He placed reliance upon a judgment of 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 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.”

4. He further submits, that in view of the above judgment, the petitioner is at least entitled for Rs.2.00 lakh, as lump sum compensation.

5. On the other hand, learned counsel for respondents no.2 and 3, strongly, opposes the submissions, as made by learned counsel for the petitioner, on the ground that the petitioner-workman had not completed 240 days in the preceding year, rather she was working intermittently. She further submits that the nature of work was not perennial, therefore, the petitioner-workman has been awarded adequate compensation by the learned Tribunal concerned.

6. This Court has heard the rival submissions, as made by learned counsel for the parties concerned, and has perused the impugned Award.

7. It is not under dispute that the petitioner has worked for about four years i.e. from 16.07.2011 to 30.05.2015. Therefore, while following the dictum in the judgement (*supra*), this Court can safely conclude that the compensation as awarded to the petitioner, vide

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impugned Award, is inadequate, and the end of justice would be met by enhancing the compensation to Rs.2.00 lakhs.

8. Accordingly, the impugned Award is modified to the extent that petitioner-workman, shall be entitled to a lump sum compensation of **Rs.2.00 lakh**, in lieu of reinstatement with continuity of service.

9. The aforesaid compensation amount of Rs.2.00 lakhs, shall be deposited in the bank account of the petitioner-workman, i.e. 65103448986, IFSC-SBIN0051110, SBI, VPO, Shahpur, District Kangra, 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.

10. **Disposed of** accordingly.

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

April 16, 2026
dharamvir

(KULDEEP TIWARI)
JUDGE

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