



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

Civil Revision No. 5709 of 2023 (O&M)

Date of Decision: 30.04.2026

Haryana State Agricultural Marketing Board
(H.S.A.M.B.) through Sh. Vijender Singh, Urban
Estate, Karnal Executive Engineer, H.S.A.M.B.

..... Petitioner

Versus

Ramesh Chand

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Dhruv Walia, Advocate
for the petitioner.

Mr. Naveen Daryal, Advocate
for the respondent.

HARKESH MANUJA, J. (ORAL)

By way of present revision petition, challenge has been laid to an order dated 08.05.2023 (Annexure P-14) passed by the Court of learned Civil Judge (Junior Division), Karnal-cum-Executing Court, whereby the learned Executing Court modified the decree/Award dated 09.01.2014.

[2] Briefly stating, aggrieved by his termination allegedly in violation of the provisions of Sections 25-B & 25-C of the Industrial Disputes Act, 1947, the respondent-Ramesh Chand (workman) sought reference and the same was allowed vide Award dated 09.01.2014 passed by the learned Presiding Officer, Industrial Tribunal-cum-

Labour Court, Panipat (**hereinafter referred to as “Industrial Tribunal”**).

[3] The aforesaid award dated 09.01.2014 was challenged by the petitioner-Haryana State Agricultural Marketing Board by way of CWP No. 4488 of 2015 and the same was dismissed on 24.09.2016 (Annexure P-2). Thereafter, an intra-Court appeal was preferred by the petitioner, however, the same also came to be dismissed vide order dated 09.09.2019 (Annexure P-3) passed in LPA No. 1278 of 2017. In the meanwhile, the respondent-workman sought execution of the award dated 09.01.2014 passed by the learned Industrial Tribunal. During the pendency of execution proceedings, the petitioner submitted its calculations; wherein 50% arrears of backwages were determined on the basis of DC rates and in lieu thereof, the payment was released to the respondent on 26.11.2020. Thereafter, revised calculations were also furnished.

[4] Placing reliance upon the order dated 16.03.2020 (Annexure P-15) passed by the learned Executing Court, the petitioner contended that the reinstatement of the respondent was merely as a workman and not in the specific capacity of a driver and thus, he was entitled for the arrears at the DC rate only and not on the salary attached to the post of driver.

[5] On the other hand, the stand taken by the respondent was that the award passed by the learned Industrial Tribunal specifically recorded that the respondent was working as a driver on a Road Roller

and thus, the arrears of 50% backwages were liable to be calculated based on the salary drawn by a driver.

[6] Upon consideration of the aforementioned plea raised by the respective parties, the learned Executing Court vide order dated 08.05.2023 (Annexure P-14) recorded that the respondent-decree holder was entitled to all consequential benefits in the capacity of driver.

[7] Aggrieved against the aforesaid order dated 08.05.2023, the present revision has been filed on behalf of the petitioner-Haryana State Agricultural Marketing Board.

[8] After hearing learned counsel for the parties and having gone through the paper-book, I am unable to find substance in the submission(s) made on behalf of the petitioner.

[9] In the humble opinion of this Court, the award dated 09.01.2014 passed by the learned Industrial Tribunal makes it evident that, upon appreciation of the material available on record, it was categorically held that the respondent-workman worked as a driver on Road Roller No. 9321 and was entitled to reinstatement with continuity of service alongwith 50% back-wages from the date of demand notice, i.e. 08.10.2008. Some of the relevant findings therefrom are extracted hereunder:-

“ 13.He further stated that the payment was made to contractor through cheque but he has no record about the payment. In these circumstances, it is explicit that the workman had worked with respondent on road Roller

No.9321 as per Ex.WW2/1 and this roller is of the department as admitted-by MW1. Therefore, the relationship between workman and management is proved and the workman had worked with the respondent more than 240 days. The version of the applicant that he worked for more than 240 days is supported by Ex.WWW2/1 as Log Book. Therefore, it is mandatory provision of Section 25-F of the Act to comply before terminating the services of the applicant.

14 & 15 Xxxx

16. In the light of fore-going discussion, it is held that the respondent has not been able to lead any cogent and sufficient evidence on the file to establishment that the workman was not his employee and had not completed 240 days of service. But the workman successfully prove their relationship with the respondent as per documents Ex.WW1/1 as Log Book. The termination of the services of the workman is illegal and invalid. Therefore, both these issues are answered against the respondent.

RELIEF:

17. In view of my findings on the above-discussed issues, as discussed in the preceding paragraphs, this reference is decided in favour of the workman to the effect that he is entitled to reinstatement with continuity of service and 50% back wages from the date of Demand Notice, ie 8.10.2008 and an Award is passed accordingly.”

[10] Though the award dated 09.01.2014 was assailed by the petitioner-Haryana State Agricultural Marketing Board before this Court in CWP No. 4488 of 2015 as well as in intra-Court appeal i.e. LPA No. 1278 of 2017, the same was upheld. In such circumstances, once a finding of fact based on proper appreciation of evidence available on record was given by the learned Industrial Tribunal to the

effect that respondent was working as a driver on the Road Roller, no illegality or perversity can be found with the order passed by the learned Executing Court, while holding him entitled for the arrears of salary for the said post to the extent of 50%.

[11] Consequently, the present petition, being devoid of merits, is hereby **dismissed**.

[12] Pending miscellaneous application(s), if any, shall also stand disposed off.

April 30, 2026
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(HARKESH MANUJA)
JUDGE

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>