



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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**CM-5274-LPA-2025 &
CM-5272-LPA-2025 in/and
LPA-2101-2025 (O&M)
Date of decision :22.07.2025**

The General Manager Telecom Patiala

... Appellant

Versus

**Presiding Officer, Central Government Industrial Tribunal-Cum-Labour
Court-II and Another**

...Respondent

**CORAM : HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL
HON'BLE MR. JUSTICE DEEPAK MANCHANDA**

Present: Ms. Manreet Kaur, Advocate and
Ms. Simran Sharma, Advocate for the appellant.

Anupinder Singh Grewal, J. (Oral)

CM-5274-LPA-2025

This is an application seeking condonation of delay of 67 days in preferring the appeal.

Heard.

For the reasons stated in the application, same is allowed and delay of 67 days in preferring the appeal is condoned.

CM-5272-LPA-2025

This is an application seeking condonation of delay of 71 days in re-filing the appeal.

Heard.

For the reasons stated in the application, same is allowed and delay of 71 days in re-filing the appeal is condoned.

LPA-2101-2025

The appellant has challenged the order of the Single Bench dated 19.12.2024, whereby the Civil Writ Petition No.5082 of 2022 preferred by the appellants challenging the award of the Labour Court has been dismissed wherein compensation along with interest had been awarded to respondent No.2.

2. Learned counsel for the appellant submits that the order of the Single Bench whereby the award of Labour Court has been modified and interest component @ 9% per annum has been granted to respondent No.2.

3. Heard.

4. The respondent No.2 is stated to have been appointed by the appellant on 16.04.1997 and drawing a salary of Rs.2138/- as '*monthly wages*'. He had put in service for a period of only 01 year and 10 months before his services were terminated on 05.03.1999. Respondent No.2 approached the Labour Court against this illegal termination and the Labour Court had directed the appellant to pay the compensation to the tune of Rs.3 lakhs as the termination was carried out without following proper procedure as laid down under Section 25F (a) and (b) of the Industrial Disputes Act, in lieu of his claim of reinstatement in service. The Labour Court had also observed that after a lapse of more than 20 years reinstatement in service is not feasible. This award of Labour Court dated 12.08.2021 was challenged by the appellant by preferring a writ petition and the Single Bench vide the impugned order dated 19.12.2024 has modified the award of the Labour Court to the extent that the compensation of Rs.3 lakhs would be payable along with interest @ 9% per annum from the date of award till its actual realisation.

5. It has been held by the Supreme Court in the case of **Bharat Sanchar Nigam Limited vs. Bhurumal, (2014) 7 SCC 177** that the principle of



reinstatement is not to be applied mechanically, even when the termination is found to be illegal. It has been further held that it is open to the Court to mould the relief and direct monetary compensation instead of reinstatement in service. The relevant extract of the said judgment is reproduced hereunder:-

“33. It is clear from the reading of the aforesaid judgments that the ordinary principle of grant of reinstatement with full back wages, when the termination is found to be illegal is not applied mechanically in all cases. While that may be a position where services of a regular/permanent workman are terminated illegally and/or mala fide and/or by way of victimisation, unfair labour practice, etc. However, when it comes to the case of termination of a daily-wage worker and where the termination is found illegal because of a procedural defect, namely, in violation of [Section 25-F](#) of the Industrial Disputes Act, this Court is consistent in taking the view that in such cases reinstatement with back wages is not automatic and instead the workman should be given monetary compensation which will meet the ends of justice. Rationale for shifting in this direction is obvious.

34. The reasons for denying the relief of reinstatement in such cases are obvious. It is trite law that when the termination is found to be illegal because of nonpayment of retrenchment compensation and notice pay as mandatorily required under [Section 25-F](#) of the Industrial Disputes Act, even after reinstatement, it is always open to the management to terminate the services of that employee by paying him the retrenchment compensation. Since such a workman was working on dailywage basis and even after he is reinstated, he has no right to seek regularisation [see [State of Karnataka v. Umadevi \(3\)17](#)]. Thus when he cannot claim regularisation and he has no right to continue even as a daily-wage worker, no useful purpose is going to be served in reinstating such a workman and he can be given monetary compensation by the Court itself inasmuch as if he is terminated again after reinstatement, he would receive monetary compensation only in the form of retrenchment compensation and notice pay.”

The judgment of **Bharat Sanchar Nigam Limited’s** case (supra) has been followed by the Supreme Court in its judgment in the case of **State of Uttarakhand Vs. Raj Kumar, 2019(14) SCC 353.**



6. Consequently, we do not find any merit in this appeal which stands dismissed. All pending miscellaneous application(s) shall also stand disposed of.

(ANUPINDER SINGH GREWAL)
JUDGE

(DEEPAK MANCHANDA)
JUDGE

22.07.2025

Sapna

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