



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

**LPA-841-2025 (O&M)  
Decided on: March 25, 2025**

Gram Panchayat, Jogi Majra, Block Ladwa, District Kurukshetra

....Appellant

versus

Sukhdevi (since deceased) though LR and others

....Respondents

**CORAM: HON'BLE MR. JUSTICE SUDHIR SINGH  
HON'BLE MRS. JUSTICE SUKHVINDER KAUR**

**Present:-** Mr. Pritam Singh Saini, Advocate,  
Ms. Kanchan Sindhu, Advocate,  
Ms. Vamika Johar, Advocate and  
Mr. Sanjay Saini, Advocate for the appellant.

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**SUDHIR SINGH, J.**

**CM-2113-LPA-2025**

For the reasons stated in application, same is allowed. Delay of 2640 days in filing the appeal is condoned.

**Main case (O&M)**

The present intra Court appeal is directed against the order dated 24.11.2017 passed by learned Single Judge, vide which writ petition filed by respondent No.1 was allowed. The appellant has also challenged the order dated 20.02.2025, whereby the review application filed by the appellant was dismissed.

2. Before the learned Single Judge, respondent No.1 had laid challenge to the award dated 23.08.2016 (Annexure P-4 with writ petition)

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passed by the Labour Court, whereby respondent No.1 was held entitled to an amount of Rs.1 lakh.

3. The facts, in brief, are that late Sukhdevi (respondent No.2, now represented by her legal representatives) was appointed as a Sweeper in 2008. In 2012, as a result of certain allegations of misconduct, a notice was served upon her by the Sarpanch of the appellant/Gram Panchayat and her services were terminated on 14.01.2013. Upon a reference, the Labour Court held that she was not entitled to reinstatement in view of the fact that she had only worked for 05½ years but held her entitled to compensation of Rs.1 lakh. Learned Single Judge has found that respondent No.1 was selected after following due appointment procedure and her services were terminated without initiating proper disciplinary proceedings against her. It was further found that mere issuance of a show-cause notice did not satisfy the requirement in law. Accordingly, while setting aside the award of the Labour Court, it was held that respondent No.1 was entitled to reinstatement in service with all benefits from the date of her termination till reinstatement.

4. It may be noticed that the appellant/Gram Panchayat had filed an application (RA-CW-20-2018) for review/recalling of the order dated 24.11.2017 passed by the learned Single Judge. However, learned Single Judge, after noticing the arguments of the learned counsel for the appellant/Gram Panchayat to the effect that respondent No.1/workman had attained the age of superannuation after passing of the order dated 24.11.2017 and a new person had already been appointed in her place, and thus, the benefit of reinstatement could not have been granted to respondent No.1/workman, dismissed the review application. It was found by the learned

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Single Judge that any fact subsequent to the passing of the award could not bind the appellant not to provide the relief granted to respondent No.1/workman. The relevant extract from the order dated 20.02.2025 passed by the learned Single Judge reads as under:-

“6. *Firstly, once an Award has been set-aside on merit by recording certain findings, the consequential relief given by the Court has to be implemented. The Award was passed by the Labour Court in the year 2016 and the same was set-aside by this Court while passing the order dated 24.11.2017. In case, the petitioner was to be reinstated, she had to be reinstated even if, the appointment had been given to somebody else. The said appointment of another person needed to be withdrawn by respondent-employer so as to accommodate the petitioner, who was continuing in service with respondent-employer since the year 2008 and, therefore, any fact subsequent to the passing of the Award, cannot bind the review-applicant not to provide for the relief granted by the Competent Court of Law, hence, the said argument is not a ground to modify the order passed by the Co-ordinate Bench of this Court dated 24.11.2017.*

7. *The further argument of the learned counsel for the review-applicant is that the petitioner had attained the age of superannuation. It is worthwhile to notice here that by the order dated 24.11.2017 which is sought to be reviewed, the benefit of reinstatement along with other benefits has been given, which means that the petitioner shall continue to be deemed in service from the date of the termination of her service and she shall continue till she is entitled to continue in service keeping in view the rules and regulations of the department. In case, as is in present scenario, petitioner had already attained the age of superannuation, she shall be deemed to be in service upto the said date of her attaining superannuation keeping in view the benefit extended by the Court.”*

5. Learned counsel for the appellant/Gram Panchayat has vehemently argued that the argument raised by the appellant/Gram Panchayat in the review application has wrongly been discarded by the learned Single Judge. It is further argued that it was the pleaded case of the appellant that when the earlier order dated 24.11.2017 was passed, the appellant’s counsel could not advance arguments in respect of the case of the appellant. It is

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further argued that respondent No.1/workman had only served for 05½ years and keeping in view the short span of service rendered by respondent No.1/workman, learned Labour Court was perfectly justified in granting her the benefit of Rs.1 lakh. It is also argued that respondent No.1/workman was appointed in 2008 and she was retrenched in 2013, and further the impugned award was passed by the Labour Court on 28.03.2016, which was set aside by the learned Single Judge vide order dated 24.11.2017. While referring to various judgments of the Hon'ble Supreme Court, including that in **Bharat Sanchar Nigam Limited versus Bhurumal, (2014) 7 SCC 177**, it is argued that the only indulgence required to be granted to the workman was monetary compensation, which had rightly been granted by the Labour Court. It is further argued that respondent No.1/workman is no more and therefore, the order passed by learned Single Judge, cannot be implemented by reinstating a deceased person in service.

6. We find no substance in the arguments raised by learned counsel for the appellant for the simple reason that even if respondent No.1/workman is no more, the benefit of notional reinstatement and payment of requisite dues, can very well be given effect to. Needless to say that her legal heir(s) would be entitled to the monetary benefits accruing therefrom. Still further, we also do not find any illegality or perversity in the findings recorded by learned Single Judge as regards non-compliance of proper procedure under the given Rules in respect of terminating the services of respondent No.1/workman.

7. In view of the above, finding no merit in the present appeal, the same is hereby dismissed.

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8. No other point has been urged.
9. Hence, the present appeal is dismissed.
10. Pending application(s), if any, shall also stand disposed of.

**(SUDHIR SINGH)  
JUDGE**

**(SUKHVINDER KAUR)  
JUDGE**

**March 25, 2025**

mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No