



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

**CWP-7347-2011 (O&M)
Date of Decision : 15-07-2025**

**BULET WELL ERACTORS, S.G.P DEPARTMENT, N.F.L
BATHINDA**

.....Petitioner

VERSUS

**PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, BATHINDA &
ANR.**

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Arun Chandra, Advocate with
 Mr. Ainesh Chandra, Advocate for the petitioner.

 Mr. P.P.S Tung, Advocate
 for the respondent No.2.

HARSIMRAN SINGH SETHI, J. (Oral)

1. In the present petition, the challenge is to the award dated 07.01.2011, copy of which has been appended as Annexure P-1, by which, the respondent No.2-Workman was directed to be reinstated in service along with continuity in service with 30% of the backwages. The aforementioned award is under challenge on the ground that there was no termination of the service of the respondent No.2-Workman rather, the respondent No.2-Workman apprehending that there is less work to be performed by him which led him to abandonment of job so as to find another job hence, the said fact has not been appreciated correctly by the labour Court and the

benefit has only been granted on the ground that Section 25-F of the Industrial Disputes Act, 1947 (hereinafter referred as "1947 Act") has not been complied with so as to grant the benefit of work done for a period of 6 years along with 30% of the backwages.

3. Learned counsel for the respondent No.2-Workman submits that the respondent No.2-Workman had worked for a period of 6 years and it was the respondent No.1, who terminated the services of the respondent No.2-Workman without following the process envisaged under Section 25-F the 1947 Act and the same has rightly been appreciated by the Labour Court vide award dated 07.01.2011 (Annexure P-1) to grant the benefit of reinstatement along with continuity in service with 30% of the backwages hence, the writ petition may kindly be disposed of.

4. I have heard the learned counsel for the parties and have gone through the records of the present case with their able assistance.

5. While admitting the present writ petition, the Co-ordinate Bench stayed the reinstatement but had directed that 30% of the backwages allowed in favour of the Workman should be paid.

6. Keeping in view the said fact, it may be noticed that wherever, the termination of an employee is found to be bad due to non-compliance of Section 25-F of the 1947 Act i.e. the retrenchment compensation, the Labour Court is to apply its mind whether it is a case of reinstatement or a compensation can be granted in view of the reinstatement.

7. In the present case, the petitioner had brought the fact before the Court that the respondent-Workman had abandoned the job and no termination order was brought on record by the Workman.

8. Keeping in view the said fact, even if the findings have been recorded that no retrenchment compensation was paid before termination, the direct reinstatement should not have been ordered and in the facts and circumstances of the present case, the compensation should have been given to the Workman.

9. Keeping in view the totality of the circumstances as, the reinstatement of the Workman had been stayed by this Court and he is not been reinstated but has already been paid 30% of the backwages, the said wages be treated as a compensation in lieu of non-compliance of Section 25F of the 1947 Act.

10. The award is accordingly modified that though the award is upheld qua the illegal termination but, the Workman is held entitled for a lumpsum compensation which he has already received in the shape of 30% of the backwages and therefore, the direction for reinstatement is set aside.

11. The present petition is allowed with the above terms.

12. In case, the backwages have not been paid to the petitioner, the same be paid within a period of 8 weeks from the receipt of copy of this order.

13. Pending application, if any, also stands disposed of.

15-07-2025
Sapna Goyal

(HARSIMRAN SINGH SETHI)
JUDGE

NOTE: Whether speaking YES
Whether reportable: NO