

CWP-7206-2000 and :1:
CWP-2796-2006

2025:PHHC:019371



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

223 (2 cases)

CWP-7206-2000 (O&M)
Date of decision : 10.02.2025

THE DIRECTOR, HARYANA INSTITUTE OF RURAL
DEVELOPMENT, NILOKHERI

..... Petitioner

VERSUS

THE PRESIDING OFFICER, LABOUR COURT & ANR.

..... Respondents

2.

CWP-2796-2006 (O&M)

THE DIRECTOR, HARYANA INSTITUTE OF RURAL
DEVELOPMENT, NILOKHERI

..... Petitioner

VERSUS

THE PRESIDING OFFICER, LABOUR COURT & ANR.

..... Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present :- Mr. Shailendra Jain, Senior Advocate with
Ms. Richa Sharma, Advocate
for the petitioner.

Mr. R. K. Malik, Senior Advocate with
Mr. Vijay Vardhan, Advocate,
Ms. Supriya Arora, Advocate and
Mr. Kartikey Chaudhary, Advocate
for respondent No.2.

Harsimran Singh Sethi, J. (Oral)

1. In the present petitions, the challenge is to the awards passed by



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CWP-7206-2000 and other connected case :2:

the Labour Court by which, the termination of the services of the respondents-employees has been held to be bad and order has been passed directing the reinstatement alongwith backwages which is under challenge in the present petitions.

2. The operation of the impugned award was stayed and the petitioner-Institute was ordered to pay wages to the respondent-employees under Section 17-B of the Industrial Disputes Act, 1947 till the case is finally decided. As of now, the respondents-employees have already attained the age of superannuation hence, the question of reinstatement does not exist.

3. Keeping in view the fact and circumstances of the present case that the three years service was rendered by the respondent-employees at the time of the termination of their services as well as the settled principle of law settled by the Division Bench of this Court in **LPA-1203 of 2021 titled as Sukhbir Singh Vs. State of Haryana and others, decided on 01.03.2023** that when reinstatement is not possible, the compensation should be paid to the employees concerned at the rate of Rs.50,000/- for each completed year.

Relevant paras 6 and 7 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 not 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

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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 backwages of 50% which was granted and accordingly, modified.”

4. Ordered accordingly.
5. However, the question of law as to whether the petitioner-Institute is industry or not, is kept open.
6. Present petitions are disposed of.
7. Pending applications, if any, also stand disposed of accordingly.
8. A photocopy of this order be placed on the connected case file.

(HARSIMRAN SINGH SETHI)
JUDGE

10.02.2025
Rimpal

Whether speaking/reasoned	Yes
Whether Reportable :	No