

**CWP-17101-2025 (O&M) and  
connected cases**

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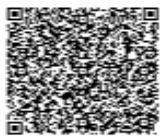
**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

PRESENT: Mr. Ashwani Bakshi, Advocate  
for the petitioner (s),  
in all cases.

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**HARSIMRAN SINGH SETHI, J. (Oral)**

1. By this common order, all the above mentioned writ petitions are being disposed of as all the writ petitions involve the same question of law on similar facts. For the sake of convenience, facts are drawn from CWP-17101-2025.
2. Certain facts needs to be mentioned for correct appreciation of the issue in hand.
3. All the petitioners in the present petitions were working with the respondent-company and the services of all the petitioners-workmen were retrenched by the respondent-company on the same date i.e. 21.05.2021 after paying the petitioners the retrenchment compensation as admissible under law.
4. The petitioners-workmen challenged the said retrenchment of the petitioners from the services on the ground that since there was a dispute pending between the employees and the employer- management, hence, the retrenchment of the petitioners from the services could not have been effected and that too without the approval of the authorities concerned keeping in view the Section 33 (2) (b) of the Industrial Disputes Act, 1947 (herein after referred as '1947 Act').
5. Learned counsel for the petitioners-workmen submits that vide



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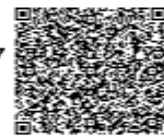
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impugned award dated 29.04.2024 (Annexure P-9), the said claim of the petitioners has been rejected by the labour Court and that too without appreciating the actual facts, hence, the impugned award dated 29.04.2024 (Annexure P-9) may kindly be set-aside so as to hold that the services of the petitioners were retrenched by the respondent-company in violation of the provisions of the 1947 Act.

6. Learned counsel for the petitioners-workmen further submits that merely receiving the retrenchment compensation from the respondent-company will not take away the right of the petitioners to claim that their retrenchment from the services was bad as held by the labour Court vide impugned award.

7. I have heard learned counsel for the petitioners and have gone through the case files with his able assistance.

8. The argument which has been raised before this Court on behalf of the petitioners that the retrenchment of the petitioners from the services is bad is on the ground that there was a dispute pending between the petitioner-workman and the employer on the date when the services of the petitioners-workman were retrenched i.e. on 21.05.2021 hence, retrenchment of the petitioners is in violation of Section 33 (2) (b) of the 1947 Act. The labour Court, after examining the facts and the evidence on record, has recorded the findings that no such dispute was pending between both the parties as on the date of retrenchment i.e. 21.05.2021 as, the notice with regard to the certain claims of the union were only received by the management on 15.06.2025 that is, after the retrenchment of the petitioner, hence, the claim of the petitioners that there was a dispute pending between the petitioners-workmen and the employer at the time of retrenchment of the



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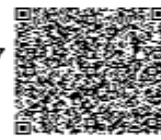
petitioners from the services, is incorrect, so as to hold the retrenchment bad being in violation of Section 33 (2) (b) of the 1947 Act.

9. Learned counsel for the petitioners has tried to rebut the said findings on the ground that the respondent-management only received the information about the pending dispute between the workman and the employer on 15.06.2021, though, the same was raised earlier.

10 On being asked by this Court to provide the evidence when such dispute was raised by the workman-union before the respondent-company, learned counsel for the petitioners has not been able to point out as to on which date, the said dispute was made before the authorities concerned, hence, the argument that on the date when the petitioners were retrenched, any dispute between the employees and the respondent-management was pending cannot be accepted so as to set-aside the finding recorded in the award.

11. Further, on the date when the retrenchment order of the petitioners was passed, there was no notice of any demand raised by the workmen which was pending consideration with the respondent-company, which is a conceded fact even before the tribunal and even before this Court.

12. In the absence of any such information qua the dispute, received by the employer, the employer is not liable to comply with any provisions by presuming that there is a dispute pending between the workman and the respondent-employer/company. The findings which have been recorded by the labour Court that on the date when the services of the petitioners-workmen were retrenched on 21.05.2021, there was no demand raised by the petitioners-workmen pending for adjudication and no such information was within the knowledge of the respondent-company, therefore, the impugned



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award cannot be treated as perverse to any evidence or fact on record so as to invite any interference by this Court.

13. Further, by placing reliance upon the judgment passed by Hon'ble Supreme Court of India in *Civil Appeal No. 2280 of 2000, titled as Nar Singh Pal v. Union of India, decided on 29.03.2000*, learned counsel for the petitioners-workmen further argues that the labour Court has held that the retrenchment compensation which was given by the respondent-company to the petitioners was encashed and utilized by the petitioners but the same cannot be a ground to deny the benefit as is being claimed by the petitioners in the present petitions in case retrenchment of the petitioners was in violation of the 1947 Act. .

14. Qua, the said argument of the learned counsel for the petitioners, it may be noticed that the judgment passed by the Hon'ble Supreme Court of India in *Nar Singh Pal's Case (supra)* is entirely different in facts, wherein the workman prior to the retrenchment of services had acquired the temporary status to continue in service and management was defending the retrenchment on the ground that the retrenchment compensation given to the workman had been accepted and used by him. Under such circumstances, where there has been a violation of the provisions of the 1947 Act, the Hon'ble Supreme Court of India has held that the mere acceptance and utilization of the retrenchment compensation by workmen, on being terminated illegally will not take away the right of the workman to claim relief in case, there is a violation of the 1947 Act. In the present case, no such violation of 1947 Act, has been proved before the labour court qua the retrenchment and the impugned award dated 29.04.2024 (Annexure P-9) holding that there was no claim pending on the date when the services of the



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petitioners were retrenched, has not been rebutted by the learned counsel for the petitioners, hence, the judgment passed by the Hon'ble Supreme Court of India in *Nar Singh Pal's Case (supra)* as being relied upon by the learned counsel for the petitioners herein above, will not be applicable in the facts and circumstances of the present case.

15. Even otherwise, the impugned Award dated 29.04.2024 (Annexure P-9) of the Labour Court can only be interfered by this Court in case the same is shown to be perverse to the facts or evidence which has come on record. In the present case, no such perversity has been shown to this Court qua the impugned Award dated 29.04.2024 (Annexure P-9) that the same is contrary to the facts or the evidence which has come on record.

16. No ground is made out for any interference by this Court in the facts and circumstances of the present cases.

17. Accordingly, the writ petitions are dismissed.

18. Pending civil miscellaneous application, if any, stands disposed of.

19. A photocopy of this order be placed on the file of connected cases.

**(HARSIMRAN SINGH SETHI)  
JUDGE**

**01.07.2025**

*Riya*

*Whether speaking/reasoned: Yes/No*

*Whether Reportable: Yes/No*