

**CWP-33500-2024****1****IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****(206)****CWP-33500-2024****Date of Decision : April 03, 2025****G4s Secure Solutions (India) Pvt. Ltd****.. Petitioner****Versus****Industrial Tribunal-cum- Labour Court-I, Gurugram and another****.. Respondents****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Pankaj Gupta, Advocate, for the petitioner.

Mr. Vikram Rana, Advocate, for respondent No.2.

HARSIMRAN SINGH SETHI J. (ORAL)

1. In the present writ petition, the prayer of the petitioner is that vide impugned Award dated 04.05.2022 (Annexure P-8), the respondent No.2- workman has been directed to be reinstated with continuity of service along with 50% back wages but the reinstatement is not possible and the Management is willing to grant the lump sum compensation as entitled by the workman.

2. Mr. Vikram Rana, Advocate, appears on behalf of respondent No.2 and filed his vakalatnama. The same is taken on record. He submits that he has taken instructions from the workman and he will be satisfied in case, the lump sum compensation as per the settled principle of law keeping in view the service rendered by him is granted to him instead of reinstatement.

3. I have heard learned counsel for the parties and have gone through the record with their able assistance.



4. Once, the parties are in agreement that instead of reinstatement, lump sum compensation be granted, the question which arise is as to how the compensation should be calculated.

5. As per the judgment of the Division Bench of this Court in ***LPA No.1203 of 2021 titled as Sukhbir Singh vs. State of Haryana and another, decided on 01.03.2023*** after considering the settled principle of law, the Division Bench has recorded the following findings:

“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 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

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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.”

6. Keeping in view the said settled principle of law, the respondent No.2-workman is held entitled for a compensation of Rs.50,000/- for each completed year of service.

7. In the present case, the respondent No.2-workman has completed six years and four months of service hence, the respondent No.2-workman is held entitled for a sum of Rs.3,50,000/- as full and final compensation to be paid by the petitioner.

8. It may be noticed that while issuing notice of motion, a sum of Rs.3,00,000/- was directed to be deposited, which is yet to be deposited by the petitioner.

9. Keeping in view the totality of the circumstances, the impugned Award dated 04.05.2022 (Annexure P-8) is modified to the extent that the petitioner will pay the respondent No.2-workman a lump sum compensation of Rs.3,50,000/- within a period of four weeks of the receipt of copy of this order. In case, the said amount is not paid within time, the said amount will also carry interest @ 6% per annum from the date of Award till the actual payment is made.

10. The writ petition is disposed of in above terms.

April 03, 2025

harsha

(HARSIMRAN SINGH SETHI)**JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : No