



CWP-9655-2015 (O&amp;M)

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

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CWP-9655-2015 (O&M)  
Date of Decision :30.04.2025

**The Deputy Excise & Taxation Commissioner (Excise),  
Jagadhri, Yamuna Nagar and another** **...Petitioners**

**Versus**

**Mange Ram and another** **...Respondents**

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

Present: Mr. Saurabh Girdhar, AAG, Haryana for petitioner-State.

Mr. Gurvinder Singh, Advocate for respondent No.1.

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**Harsimran Singh Sethi, J. (Oral)**

1. In the present petition, the challenge is to the award dated 25.07.2014 (Annexure P/3) passed by the Presiding Officer, Labour Court, Ambala by which, the termination of the services of the respondent No.1-workman by petitioner-department has been held to be bad and he has been directed to be reinstated in service with continuity along with 50% back wages and 9% per annum interest in case there is a default in payment of the back wages.

2. Learned counsel for the petitioner submits that even if, the services of the respondent No.1-workman was terminated in violation of the Industrial Dispute Act, 1947 (hereinafter referred to as '1947 Act'), the benefit of compensation should have been granted to the respondent No.1-



workman instead of benefit of reinstatement in service with continuity and 50% back wages and therefore, the relief granted to the respondent No.1-workman by the Labour Court vide impugned award dated 25.07.2014 (Annexure P/3) needs to be modified.

3. Learned counsel for the respondent No.1-workman submits that there were a number of workmen, who were similarly situated as respondent No.1-workman and were allowed to continue in service and they are still continuing in service and hence, once, the similarly situated workmen are continuing in service, the benefit of reinstatement in service granted to respondent No.1-workman cannot be denied by the petitioner by stating that the benefit of compensation shall be given to the respondent No.1-workman instead, as the respondent No.1-workman is entitled to be treated in the same manner as the other part-time sweepers working in the petitioner-department have been treated.

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

5. The grant of the relief by the Labour Court vide its award impugned is keeping in view the facts and circumstances of the case. In the present petition, the termination of the service of the respondent No.1-workman by the petitioner-department has been held to be bad by the Labour Court and the petitioner-department is before this Court only with a prayer that rather than granting the respondent-Workman No.1 with the benefit of reinstatement in service, the benefit of compensation be granted to the respondent No.1-workman .

6. The said proposal of the petitioner-department is not acceptable



to the respondent No.1-workman hence, the same needs to be decided on the basis that whether the relief granted by the Labour Court vide its order impugned needs to be modified by this Court in any manner or not.

7. Once, the action of the petitioner-department in terminating the service of the respondent No.1-workman has been held to be bad by the Labour Court, some relief has to be given to the respondent No.1-workman. What the relief would be given to workman, depends upon various components such as whether other employees, who were working on temporary basis with the petitioner-department, have been allowed to continue in service and they are still working and their services have been regularized or not.

8. The claim of the respondent No.1-workman is that he was singled out by the act of petitioner-department terminating his service whereas, the other sweepers who are working with the petitioner-department, were allowed to continue in service and their services have also been regularized. Keeping in view the fact which has gone unrebutted that the respondent No.1-workman was singled out and his service was wrongly terminated, which termination has already been held to be bad by the Labour Court and the same is not under challenge as the relief claimed by the petitioner-department before this Court is only to provide the respondent-workman No.1 with grant of compensation instead of benefit of reinstatement in service, the said assertion of the petitioner-department cannot be accepted. Once, the other employees, who are similarly situated as the respondent No.1-workman are continuing in service with the petitioner-department, the benefit of reinstatement granted by the Labour



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Court in favour of the respondent No.1-workman needs no interference at the hands of this Court.

9. Keeping in view the totality of the facts and circumstances as noticed hereinbefore no ground for interference by this Court is made out especially, when the similarly situated employees, who are appointed with the respondent No.1-workman are continuing in service with the petitioner-department hence, the present petition is dismissed.

10. Civil miscellaneous application pending, if any, is also disposed of

**April 30, 2025**  
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**(HARSIMRAN SINGH SETHI)**  
**JUDGE**

*Whether speaking/reasoned : Yes*  
*Whether reportable : No*