



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

**C.W.P. No. 8112 of 1996
Date of decision: 05.09.2025**

M/s Maruti Udyog Ltd.

.... Petitioner

Vs.

Rajan Bhatia and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. M.L. Sarin, Senior Advocate, with
Mr. Ritesh Aggarwal, Advocate,
for the petitioner.

Mr. Raman Sharma, Advocate,
for the respondent No.1.

KULDEEP TIWARI, J (Oral)

1. At the outset, learned Senior counsel for the petitioner submits that, on the last date of hearing, i.e. 21.08.2025, he did appear on behalf of the petitioner, however, his presence has inadvertently not been recorded in the order dated 21.08.2025. He, therefore, requests that necessary correction be made in the said order.
2. On oral request of learned Senior counsel for the petitioner, his presence is ordered to be marked in the order dated 21.08.2025.
3. Registry is directed to carry out the requisite corrections.
4. The petitioner-Management, fetching grievances from an award dated 27.02.1996, passed by the learned Industrial Tribunal-cum-Labour Court, Gurgaon, wherethrough, the termination of the workman-respondent No.1 was held illegal, and he was ordered to be re-instated with continuity of service and full back wages, filed the instant petition under Article 226/227 of the Constitution of India.
5. The award (supra), has been put to challenge mainly on the ground that, whether, termination of service of a person like the respondent-workman can be treated as one falling within the definition of retrenchment under Section 2(oo) of the Industrial Dispute Act, 1947.



6. The instant petition was admitted vide order dated 12.07.1996 and in the meantime, the impugned award was ordered to be stayed subject to the following conditions:-

- i) *within a period of 15 days from today, the petitioner pays 50% of back wages to the workman;*
- ii) *the employer pays to the workman wages payable to him w.e.f. the day of award within the period of one month and further continues to pay monthly wages by 7th of each month till the final disposal of the writ petition.*

7. Subsequently, the instant petition remained pending before this Court, and the respondent-workman was getting benefit of wages paid to him under Section 17-B of the Industrial Disputes Act, 1947, till he attained the age of superannuation. Considering the time which has been lapsed during the pendency of the instant writ petition, this Court was of the view that the matter can be given *quietus* by offering a token amount to the respondent-workman so that the issue can be closed once and for all, and for that, vide order dated 12.08.2025, directions were issued to the learned Senior counsel for the petitioner to have apt instructions, the relevant portion is extracted hereinafter:

“The instant petition is pending since the year 1996. In the meanwhile, the petitioner has attained the age of superannuation. During the pendency of the instant petition, the petitioner was getting the benefit of wages paid to him under Section 17-B of the Industrial Disputes Act, 1947. The issue which arises for consideration of this Court is as to whether, the probation period, which has not been confirmed, can be counted towards completion of 240 days in service or not. Considering the time, which has been lapsed during the pendency of the instant petition, this Court is of the view that this matter can be given a quietus by offering a token amount to the respondent-workman, so that this issue can be closed once and for all. This Court is of the prima facie view that an amount of Rs 1,00,000/- (One Lac) would be sufficient, as a token amount, to be paid to the workman. For this, the learned senior



counsel for the petitioner, seeks an adjournment to have apt instructions from the petitioner-management.”

8. Learned Senior counsel for the petitioner, after having instructions from the petitioner-Management submits that the petitioner-Management is ready to pay Rs.1,00,000/- (Rupees one lakh only) as token amount to the respondent-workman, however, subject to the condition that the same may not be considered as precedent for future.

9. Learned counsel for the respondent No.1-workman, after having instructions submits that, the offer made by the petitioner-Management is acceptable to them.

10. In view of the aforesaid amicable settlement, that has arrived at between the parties, the petitioner-Management is directed to deposit Rs.1,00,000/- (Rupees one lakh only) in the following bank account of the respondent No.1-workman, within four weeks from the date of passing of this order:

“Rajesh Bhatia
A/c No. 41661139037
IFSC : SBIN0016337
Branch Rajouri Garden,
New Delhi- 110027”

11. However, it is made clear that this order be not treated as precedent against the petitioner-Management.

12. It is further clarified that, in case, the petitioner-Management does not comply with the directions (supra), the respondent-workman would be at liberty to revive the instant petition by moving apt application in this regard.

13. **Disposed of accordingly.**

(KULDEEP TIWARI)
JUDGE

05.09.2025
deepak

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