

2025:PHHC:052065-DB



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

LPA-133-2025 (O&M)

Date of decision: 22.04.2025

HARI MOHAN

.....Appellant

Versus

PUNJAB SCOOTERS LTD. & ANR.

.....Respondents

**CORAM: HON'BLE MR. JUSTICE SUDHIR SINGH
HON'BLE MR. JUSTICE ALOK JAIN**

Present:- Mr. Deepak Aggarwal, Advocate for the appellant.

SUDHIR SINGH, J.

Challenge in the instant intra Court appeal is to the order dated 12.12.2024 passed by the learned Single Judge, whereby the writ petition filed by the respondent-Management was disposed of by directing it to pay a sum of Rs.7.5 Lakhs to the appellant-workman.

2. In view of the decision of this Court in LPA-2435-2024 – Gurcharan Singh Vs. Presiding Officer, Labour Court and others, decided on 28.01.2025, the present LPA is maintainable.

3. Before the learned Single Judge, the respondent-Management had laid challenge to the award dated 28.02.1997 (Annexure P-1 with the writ petition), whereby the appellant-workman was ordered to be reinstated with back wages.

4. As per the facts on record, the appellant-workman joined the respondent-Management on 16.06.1977 and he alleged that his

services were terminated on 27.12.1991 in violation of the provisions of the Industrial Disputes Act, 1947 (for short 'the Act'). The claim of the appellant-workman was contested by the respondent-Management pointing out that he had voluntarily resigned from service on 28.11.1991 and the full and final accounts of the appellant-workman were settled on 24.01.1992, whereby he had received a payment of Rs.15,651.65/- from the respondent-Management.

5. The learned Single Judge, after noticing the rival contentions, has disposed of the writ petition, as noticed above.

6. Learned counsel appearing for the appellant-workman has vehemently argued that once the Labour Court had found that the services of the appellant-workman were terminated in violation of the provisions of the Act and the respondent-Management was directed to reinstate him with payment of back wages, the learned Single Judge is not justified in directing the respondent-Management to pay the monetary compensation to him instead of his reinstatement. It is further argued that even if the appellant-workman attained the age of superannuation in 2006, that does not absolve the respondent-Management from its liability to give the benefit of reinstatement to the appellant-workman, may be on notional basis. Alternatively, it is argued that as per the policy of the Management, the colleagues of the appellant-workman have been receiving a pension @ Rs.7,500/- per month and, thus, the compensation of Rs.7.5 Lakhs awarded to the appellant-workman, is very much on the lower side.

7. We have heard the learned counsel for the appellant and have also gone through the impugned order.

8. The only question that arises for consideration by this Court is whether the order passed by learned Single Judge, requires any interference.

9. As has been observed by the learned Single Judge, when the services of the appellant-workman were terminated in 1991, he was drawing a salary of Rs.2,000/- per month and that from the date of passing of the impugned award in February, 1997, a period of more than three decades has elapsed. It was further observed that the appellant-workman had been continuously paid the last drawn wages in terms of Section 17-B of the Act, till the date of his superannuation, besides payment of gratuity and leave encashment. The relevant extracts from the order of the learned Single Judge, would read as under:-

“8. The workman was terminated in December’ 1991 and his last drawn salary was Rs.2000/- per month. The impugned award was passed in February’ 1997. A period of more than three decades from the date of termination and almost three decades from the date of award has passed away. The workman till the date of superannuation was paid last drawn salary in terms of Section 17-B of 1947 Act. He was also paid gratuity and leave encashment. He has right to collect Employees Provident Fund from Provident Fund Authorities. Had he not been terminated, he must have served for 15 years more. As per his last drawn salary, he would have earned Rs.3,60,000/-. He had received said amount without work. He claims that as per policy of the Management, his

colleagues are getting pension @ Rs.7500/- per month.”

10. It is not disputed by the learned counsel for the appellant-workman that the appellant-workman attained the age of superannuation in 2006. The factum of having received the last drawn wages till the date of attaining the age of superannuation and receiving of gratuity and leave encashment is not disputed. The learned Single Judge has rightly observed that if the appellant-workman remained in service, he would have earned an amount of Rs.3,60,000/- as per the last salary drawn by him and, thus, has awarded him the compensation amount of Rs.7.5 Lakhs. We find no error in the order passed by the learned Single Judge. Accordingly, the present appeal is dismissed.

11. Pending application(s), if any, shall also stand disposed of.

**[SUDHIR SINGH]
JUDGE**

**[ALOK JAIN]
JUDGE**

22.04.2025

himanshu

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No