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

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Date of Decision :24.03.2025

Manoj Kumar

..Petitioner

Versus

**Presiding Officer, Industrial Tribunal-cum Labour
Court, Hisar & others**

..Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Manoj Chahal, Advocate for the petitioner.

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Harsimran Singh Sethi, J. (Oral)

1. In the present petition, challenge is to the impugned award dated 21.05.2010 (Annexure P/4) passed by the Presiding Officer, Industrial Tribunal-cum-Labour Court, Hisar, by which the petitioner-workman was granted a sum of Rs.28,000/- in lieu of retrenchment compensation. The said award dated 21.05.2010 (Annexure P/4) is being challenged by the petitioner-workman after a period of more than 15 years.

3. Learned counsel for the petitioner-workman submits that the similarly situated workmen namely, Sunil Kumar and Sishpal, who were also granted the same benefit by the Labour Court, have been granted the benefit of reinstatement in service by the Coordinate Bench of this Court while passing order 18.09.2015 in CWP-12544 of 2012 & CWP-15476-2012 respectively and hence, the grant of benefit of lump sum compensation



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of Rs.28,000/- in favour of the petitioner-workman by the Labour Court vide impugned award dated 21.05.2010 (Annexure P/4) may kindly be set aside and the petitioner-workman be also granted the benefit of reinstatement in service as has been granted to the similarly situated workmen namely, Sunil Kumar and Sishpal by the Coordinate Bench of this Court vide order dated 18.09.2015.

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

5. It may be noticed that the award dated 21.05.2010 (Annexure P/4), which was passed qua the claim of the petitioner-workman granting him a lump sum compensation of Rs.28,000/- in the year 2010 was accepted by the petitioner-workman and no grievance was raised by the petitioner-workman qua the said award for a period of 15 years.

6. The similar award, if any, passed in favour of other similarly situated workmen, against which award the grievance was raised by the said workman immediately by way of approaching this Court, the benefit of reinstatement in service along with 50% back wages was granted by this Court vide order dated 18.09.2025. The benefit of reinstatement in service along with 50% back wages was also granted in favour of other similarly situated workmen a decade ago whereas, the petitioner is now approaching this Court challenging the impugned award dated 21.05.2010 (Annexure P/4) that he should also be reinstated in service like other similarly situated workmen namely, Sunil Kumar and Sishpal. It should be noted that, once, the impugned award qua the claim of the petitioner-workman has already been accepted by the petitioner-workman, the petitioner-workman after a



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period of 15 years cannot turn around to challenge the said impugned award. There has to be a time limit for adjudicating the claim.

7. As per the settled principle of law on the issue concerned, Hon'ble Supreme Court of India in *Nedungadi Bank Ltd vs. K.P. Madhavankutty, 2002(2) SCC 455* has held that delay of 07 years in approaching the Court to claim the benefit is too much to be granted the relief. Relevant paragraphs of the judgment are as under:-

“Law does not prescribe any time limit for the appropriate government to exercise its powers under [Section 10](#) of the Act. It is not that this power can be exercised at any point of time and to revive matters which had since been settled. Power is to be exercised reasonably and in a rational manner. There appears to us to be no rational basis on which the Central Government has exercised powers in this case after lapse of about seven years of order dismissing the respondent from service. At the time reference was made no industrial dispute existed or could be even said to have been apprehended. A dispute which is stale could not be the subject-matter of reference under [Section 10](#) of the Act. As to when a dispute can be said to be stale would depend on the facts and circumstances of each case. When the matter has become final, it appears to us to be rather incongruous that the reference be made under [Section 10](#) of the Act in the circumstances like the present one. In fact it could be said that there was no dispute pending at the time when the reference in question was made. The only ground advanced by the respondent was that two other employees who were dismissed from service were reinstated. Under what circumstances they were dismissed and subsequently reinstated is nowhere mentioned. Demand raised by the respondent for



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raising industrial dispute was ex facie bad and incompetent.

In the present appeal it is not the case of the respondent that the disciplinary proceedings, which resulted in his dismissal, were in any way illegal or there was even any irregularity. He availed his remedy of appeal under the rules governing his conditions of service. It could not be said that in the circumstances industrial dispute did arise or was even apprehended after lapse of about seven years of the dismissal of the respondent. Whenever a workman raises some dispute it does not become industrial dispute and appropriate government cannot in a mechanical fashion make the reference of the alleged dispute terming as industrial dispute. Central Government lacked power to make reference both on the ground of delay in invoking the power under [section 10](#) of the Act and there being no industrial dispute existing or even apprehended. The purpose of reference is to keep industrial peace in an establishment. The present reference is destructive to the industrial peace and defeats the very object and purpose of the Act. Bank was justified in thus moving the High Court seeking an order to quash the reference in question.”

8. In the present case, impugned award dated 21.05.2010 (Annexure P/4) passed by the Presiding Officer, Industrial Tribunal-cum-Labour Court, Hisar, which has already attained finality between the parties 15 years ago is now sought to be revived so as to claim the benefit of reinstatement in service, which benefit has been granted to the other similarly situated workmen and that too about 10 years ago.

9. Learned counsel for the petitioner-workman places reliance upon the judgment of the Hon'ble Supreme Court of India in ***Civil Appeal***



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No.2747-2748-2015 titled as Jagjit Singh vs. Punjabi University and others decided on 10.03.2015.

10. The said judgment is not applicable in the facts and circumstances of the present case as in the present case, the competent Court of law had already adjudicated the claim of the petitioner-workman, which has already attained finality and the same has not been challenged by the petitioner-workman for a period of 15 years.

11. Keeping in view the totality of fact and circumstances recorded hereinbefore, as the petitioner-workman did not challenge the impugned award dated 21.05.2010, which has attained finality, the said issue cannot be reopened after a period of 15 years and that too on the asking of the petitioner-workman. The delay is fatal. hence, the present petition is dismissed.

March 24, 2025
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No