



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

141/3

LPA-1341-2025 (O&M)

DATE OF DECISION: 20.08.2025

BHAGAT SINGH

... Appellant

Versus

ESCORTS LIMITED AND ANOTHER

... Respondents

**CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL
HON'BLE MR. JUSTICE DEEPAK MANCHANDA**

Present: Mr. J.P. Bhatt, Advocate and
Mr. Alakh Bhatt, Advocate for the appellant(s).

ANUPINDER SINGH GREWAL, J. (ORAL)

This appeal has been filed by the workman impugning the judgment of the Single Bench of this Court dated 27.01.2025 whereby the writ petition preferred by respondent No.1-Company challenging the award of the Labour Court dated 29.03.2013 (Annexure P-15) has been allowed.

2. Learned counsel for the appellant submits that the appellant had been erroneously retrenched by respondent No.1-Company as two persons, namely, Johny Thomas and K.C. Sharma, who were junior to him, had been retained. He further submits that the appellant is a poor person and has been engaged in litigation for almost two decades and the meagre retrenchment compensation was not sufficient for his sustenance.

3. Heard.

4. The appellant was appointed as a Cook-cum-Waiter with M/s Escorts Limited (Telecommunication Division) vide appointment letter dated 03.11.1987 (Annexure P-1). Vide letter dated 20.02.1995 (Annexure P-2), his

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services were transferred on the same terms and conditions of his initial appointment to M/s Escorts Communication Limited, which was a newly formed company and the former company i.e., the Telecommunication Division was subsequently closed and taken over by M/s Escorts Communication Limited. After some time, M/s Escorts Communication Limited was in losses and it was decided that about 48 employees working with it be retrenched. Vide letter dated 30.03.1999 (Annexure P-5), he was retrenched. In accordance with Section 25-F of the Industrial Disputes Act, 1947, retrenchment compensation along with one month's wages amounting to Rs.38,739/- was paid to the appellant. Aggrieved by his retrenchment, he sent a demand notice on 10.08.2000 (Annexure P-7), raising an industrial dispute which was referred to the Industrial Tribunal-cum-Labour Court, Faridabad, vide reference dated 14.03.2001. He sought reinstatement in service with continuity thereof and full back wages. The Labour Court, after appreciation of evidence, vide award dated 29.03.2013 (Annexure P-15), held that all the various companies belong to the same group i.e., Escorts Group, the workman had been victimized and had been retrenched illegally. It was also held that the appellant was entitled to the benefit of reinstatement of service with continuity along with full back wages with 9% interest from the effective date of retrenchment. The award of the Labour Court was challenged by the employer-respondent No.1 by preferring CWP-13729-2013. This Civil Writ Petition was heard along with CWP-16504-2011 and three other similar writ petitions. The bunch of five civil writ petitions was decided by a common judgment of the learned Single Bench of this Court dated 27.01.2025. Learned Single Bench held that the award dated 29.03.2013 passed by the labour Court did not notice the earlier awards of the year 2011 and once it was conceded that there is no difference in the workmen in all the petitions, there could not have been two contradictory findings. Therefore, the award dated 29.03.2013

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(Annexure P-15) was held to be perverse and the writ petition of the employer was allowed.

5. The primary argument of the counsel for the appellant is that two employees, who were junior to the appellant, had been retained while the appellant was retrenched. We do not find any merit in this argument, as in the first award dated 10.02.2011, (Annexure P-10) regarding 14 similarly situated employees, the Tribunal arrived at a finding that the retrenchment was legal. The provisions of the Industrial Disputes Act, 1947 had been complied with whereas the later award dated 29.03.2013 (Annexure P-15) does not notice the earlier findings and instead had held that all the units of Escorts Limited situated at Faridabad were controlled and managed by one company i.e. M/s Escorts Limited, and the post of every workman was transferable from one Company/Unit/Division to another. Therefore, once the claims of the workmen were rejected vide award dated 11.02.2011, there being no differentiating fact, a contradictory award could not have been passed on 29.03.2013. The Tribunal, vide the award dated 11.02.2011, had arrived at a finding of fact that no employee, who was junior to the appellant, had been retained, which has also been affirmed by the Single Bench. The appellant has referred to the name of two persons who were retained by the Management, but a perusal of the record indicates that K.C. Sharma was working as a Senior Store Keeper and Johny Thomas was working as a Maintenance Electrician. The statement of S.K. Gupta, Assistant Manager, Escorts Limited, Railway Equipment Division, indicates that K.C. Sharma was appointed as Senior Store Keeper. However, it is not forthcoming either from the pleadings before the Labour Court or the award as to on which date this person had been appointed or had been promoted to the post of Senior Store Keeper.

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6. Furthermore, the aforesaid two employees, who are stated to be junior to the appellant, were working in separate cadres/post and not on the post/cadre held by the appellant. Learned counsel for the appellant has not been able to point out if any workman, who was junior to the appellant in the same post, had been retained. Merely because two other workmen, who were working on other posts, which were distinct from the post which the appellant was working on, had been retained by the employer cannot be the basis to set aside the award of the Labour Court. Therefore, we do not find any merit in this submission of the learned counsel for the appellant as well. Moreover, the appellant had served for about 12 years and had been paid the retrenchment compensation along with one month's wages amounting to Rs.38,739/-.

7. In the afore-noted facts and circumstances, we do not find any illegality in the judgment of the Single Bench of this Court warranting interference in appeal. Consequently, the Letters Patent Appeal stands dismissed.

8. Pending application(s), if any, also stands disposed off.

(ANUPINDER SINGH GREWAL)
JUDGE

(DEEPAK MANCHANDA)
JUDGE

20.08.2025

SwarnjitS

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