



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

LPA-1450-2025

Date of Decision: 15.05.2025

Monu

.... Appellant

Vs.

**CTU, Chandigarh through its Director, Industrial Area Phase 1,
Chandigarh**

.... Respondents

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

Present: - Mr. Madhur Singh, Advocate, for the appellant.

SUDHIR SINGH, J.

CM-3558-LPA-2025

For the reasons given in the application, the same is allowed and delay of 195 days in filing the appeal is condoned.

MAIN CASE

The instant intra Court appeal is directed against the order dated 23.08.2024 passed by the learned Single Judge whereby the writ petition filed by the respondent-Management was disposed of. Challenge is also to the order dated 02.04.2025, whereby the application seeking recall of the aforesaid order filed by the respondent-Management was dismissed.

2. Before the learned Single Judge, the respondent-Management had sought quashing of the order dated 01.08.2018 passed by the Industrial Tribunal-cum-Labour Court, U.T., Chandigarh (for short 'the Labour Court'),

whereby the respondent-Management was directed to re-instate the appellant with continuity of service and 50% back wages.

3. While disposing of the writ petition, learned Single Judge has passed the following order;

“1.Mr. Aman Pal, Advocate on instructions from Amarjot Singh, Senior Assistant, Chandigarh Transport Undertaking (present in Court), submits that petitioner-CTU has agreed to pay a sum of Rs.2,00,000/- as lump sum compensation to respondent-workman. The said amount would be paid within two months from today.

2.Mr. Amit Kaith, Advocate, on instructions from respondent No.1 (present in Court), agrees to aforesaid arrangement.

3.In the wake of statement of both sides, the petition stands disposed of.”

4. Subsequently, the appellant had filed an application seeking recall of the said order, however, vide order dated 02.04.2025, learned Single Judge dismissed the said application by passing the following order;

“1.The applicant through instant application is seeking recalling of order dated 23.08.2024 passed by this Court.

2.From the perusal of order dated 23.08.2024, it is evident that the said order was passed in the present of respondent (Monu) as well as his counsel Mr. Amit Kaith, Advocate. It was a consent order.

3.Through instant application, the applicant is taking a somersault despite the fact that petitioner/non-applicant has already complied with the aforesaid order.

4.In the backdrop, no ground is made out to recall order dated 23.08.2024 passed by this Court

5.Dismissed.”

5. Learned counsel appearing for the appellant has vehemently argued that the appellant had given the consent before the learned Single

Judge for accepting the amount of Rs.2 lakhs under the impression that the said amount was in respect of the payment of back wages. It is further argued that the appellant is an illiterate person and he was not aware of the fact that the amount of Rs.2 lakhs agreed to be paid by the respondent-Management, was towards the full and final compensation. It is further argued that in the previous order dated 09.01.2023 passed in the writ petition, it was specifically recorded that if the respondent-Management re-instated the appellant, he would give up the claim for the back wages. It is, thus, argued that had there been any intention or willingness on the part of the appellant to accept the lump sum compensation, he could not have given the aforesaid concession of foregoing the back wages claim on an earlier date. It is also argued that the appellant was appointed by the respondent-Management as a Sweeper on 01.11.2012 and he continued working as such till 31.03.2014, when his services were terminated by the respondent-Management without complying with the mandatory provisions of the Industrial Disputes Act, 1947. It is also argued that no person of an ordinary prudence would give a concession for accepting a meager amount of Rs.2 lakh as a lump sum compensation when the Labour Court had granted him the relief of re-instatement in service.

6. We have heard the learned counsel for the appellant and have gone through the paper book including the impugned order.

7. In the order dated 23.08.2024, the learned Single Judge had recorded that the counsel for the appellant on instructions from the appellant himself, who was present in Court agreed to the proposal made by the counsel for the respondent-Management and, thus, the writ petition was disposed of. Subsequently, vide order dated 02.04.2025, while dismissing the

application seeking recalling of the said order, it was observed by the learned Single Judge that the appellant could not be allowed to take a somersault. As we find that the impugned order is consented order and once the appellant had given his consent before learned Single Judge in respect of the proposal given by the respondent-Management in the presence of his counsel, the appellant cannot be heard saying that he was not aware of the fact that the said amount of Rs.2 lakhs was towards the lump sum compensation.

8. In view of the above, we find no merit in the present appeal. Consequently, the same is hereby dismissed.

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

(SUDHIR SINGH)
JUDGE

15.05.2025
poonam

Whether speaking/reasoned?
Whether reportable?

(ALOK JAIN)
JUDGE

Yes/no
Yes/no