



**IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH.**

**116**

**LPA-1091-2025 (O&M).  
Date of Decision: 22.07.2025.**

Kawar Singh

....Appellant.

VERSUS

Executing Engineer, Subarvan Division, HVPN, Fazilpur and another

....Respondents.

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

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**Present:** Mr. Ramesh Hooda, Advocate for the appellant.

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**ANUPINDER SINGH GREWAL, J. (Oral)**

**CM-2683-LPA-2025**

This is an application seeking condonation of delay of 76 days in preferring the appeal.

Heard.

For the reasons stated in the application, same is allowed and delay of 76 days in preferring the appeal is condoned.

**LPA-1091-2025**

The appellant has challenged the order of the Single Bench dated 20.12.2024, whereby in the Civil Writ Petition No.14402 of 2003 preferred by the respondents challenging the award of the Labour Court, compensation has been awarded instead of reinstatement in service.

2. Learned counsel for the appellant submits that the appellant had put in service for a period of 03 years and 04 months and, therefore, the compensation awarded to the tune of Rs.50,000/- is meagre and needs to be enhanced.

3. Heard.

4. The appellant is stated to have worked as 'a T/Mate' on daily wage basis for a period of 03 years and 04 months. His services were terminated and the Labour Court had directed his reinstatement in service on 01.05.2003. This award of Labour Court was challenged by way of preferring a writ petition and the Single Bench vide the impugned order has modified the award of the Labour Court and awarded a compensation of Rs.50,000/- instead of reinstatement in service. Reliance can be placed on the judgment of the Supreme Court in the case of **Bharat Sanchar Nigam Limited vs. Bhurumal, (2014) 7 SCC 177** wherein it has been held as that it is open to the Court to mould the relief and direct compensation instead of reinstatement in service. Relevant extract of the said judgment is reproduced hereunder:-

*“33. It is clear from the reading of the aforesaid judgments that the ordinary principle of grant of reinstatement with full back wages, when the termination is found to be illegal is not applied mechanically in all cases. While that may be a position where services of a regular/permanent workman are terminated illegally and/or mala fide and/or by way of victimisation, unfair labour practice, etc. However, when it comes to the case of termination of a daily-wage worker and where the termination is found illegal because of a procedural defect, namely, in violation of Section 25-F of the Industrial Disputes Act, this Court is consistent in taking the view that in such cases reinstatement with back wages is not automatic and instead the workman should be given monetary compensation which will meet the ends of justice. Rationale for shifting in this direction is obvious.*

34. *The reasons for denying the relief of reinstatement in such cases are obvious. It is trite law that when the termination is found to be illegal because of nonpayment of retrenchment compensation and notice pay as mandatorily required under Section 25-F of the Industrial Disputes Act, even after reinstatement, it is always open to the management to terminate the services of that employee by paying him the retrenchment compensation. Since such a workman was working on dailywage basis and even after he is reinstated, he has no right to seek regularisation [see *State of Karnataka v. Umadevi* (3)17]. Thus when he cannot claim regularisation and he has no right to continue even as a daily-wage worker, no useful purpose is going to be served in reinstating such a workman and he can be given monetary compensation by the Court itself inasmuch as if he is terminated again after reinstatement, he would receive monetary compensation only in the form of retrenchment compensation and notice pay.”*

The judgment in **Bharat Sanchar** case (supra) has been followed by the Supreme Court in its judgment in the case of **State of Uttarakhand vs. Raj Kumar, 2019(14) SCC 353.**

5. Consequently, we do not find any merit in this appeal which stands dismissed.

**(ANUPINDER SINGH GREWAL)**  
JUDGE

**(DEEPAK MANCHANDA)**  
JUDGE

**22.07.2025**

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Whether speaking/ reasoned : Yes/ No  
Whether Reportable : Yes/ No