



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

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**LPA-1315-2025 (O&M)
Date of Decision: 23.07.2025.**

Chanchal Singh and others

....Appellants.

VERSUS

The Punjab State Tubewell Corporation Ltd. and othersRespondents.

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

Present: Mr. Vikas Singh, Advocate and
Ms. Anamika Sheoran, Advocate for the appellants.

ANUPINDER SINGH GREWAL, J. (Oral)

CM-3224, 3225-LPA-2025

Prayer in these applications is for condonation of delay of 15 days in filing and 82 days in refiling the appeal.

Heard. For the reasons stated in the applications, the same are allowed and delay of 15 days in filing and 82 days in refiling the appeal is condoned.

LPA-1315-2025

The appellants have challenged the judgment of the Single Bench dated 25.10.2024, whereby in the Civil Writ Petition No.2144 of 2000 preferred by respondent-Corporation, an amount of Rs.75,000/- each towards compensation has been ordered to be paid to each workman instead of full back wages.

2. Learned counsel for the appellants submits that as the services of

the appellants had been illegally terminated, they were entitled to reinstatement in service with full back wages and the award of the Labour Court to this effect did not call for any modification.

3. Heard.

4. The appellants are stated to have been working as Chowkidars on daily wages before their services were terminated in the year 1987. They had approached the Labour Court for redressal of their grievance and the Labour Court vide Award dated 29.07.1999 had held their termination to be in violation of Section 25-F of the Industrial Disputes Act, 1947 and directed their reinstatement in service with full back wages. The respondent-Corporation had approached this Court impugning the Award of the Labour Court. The Single Bench considering the statement of both sides, directed the respondent-Corporation to pay Rs.75,000/- each to the appellants towards back wages instead of full back wages as ordered by the Labour Court. The appellants have not been able to establish that they were not gainfully employed during the period they were out of 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 that it is open to the Court to mould the relief and direct monetary compensation instead of reinstatement in service. It has been further held that the principle of reinstatement is not to be granted mechanically even if termination is found to be illegal. The 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 aforesaid judgment has been further reiterated 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 Letters Patent Appeal which stands dismissed.

(ANUPINDER SINGH GREWAL)
JUDGE

(DEEPAK MANCHANDA)
JUDGE

23.07.2025
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Whether speaking/ reasoned : Yes/ No
Whether Reportable : Yes/ No