



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

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**CWP-13399-2018 (O&M)
Decided on :28.07.2025**

GURU NANAK DEV UNIVERSITY . . .Petitioner
Versus

HARJIT SINGH AND ANR . . . Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

PRESENT: Mr. M. K. Dogra, Advocate for the petitioner.

Ms. Dilpreet Kaur, Advocate for
Mr. Rishu Garg, Advocate for the respondent.

HARSIMRAN SINGH SETHI, J. (Oral)

1. In the present petition, the challenge is to the impugned award dated 01.12.2017 (Annexure P-3), by which, the termination of the services of the respondent -workman was held to be bad and respondent-workman was ordered to be reinstated in service on same terms and conditions but without the benefit of back wages.

2. Upon challenge of the impugned award in present petition, the operation of the impugned award dated 01.12.2017 (Annexure P-3) was stayed by the Co-ordinate Bench of this Court vide order dated 04.09.2018 and unfortunately, during the pendency of the present petition, respondent-workman has died.

3. Learned counsel for the petitioner argues that the respondent-workman was appointed by the petitioner-university for a particular period and upon the expiry of the said period, the said appointment of the respondent-workman came to an end due to non-extension of his contract further, hence, the claim of the respondent-workman is covered under



Section 2 (oo) (bb) of the 1947 Act and as the reliving of the respondent-workman does not amount to retrenchment, he was not entitled for the benefit of Section 25F of the Industrial Disputes Act, 1947 (herein after referred to 1947 Act), which fact has been ignored by the Tribunal while passing the impugned order dated 01.12.2017 (Annexure P-3).

4. I have heard learned counsel for the parties and have gone through the case file with their able assistance.

5.. On being asked to point out from the appointment letter of the respondent-workman that a fixed term appointment was given to the respondent-workman by the petitioner-university, learned counsel for the petitioner-university has not been able to point out that there was a fixed term appointment given to the respondent-workman, which came to an end automatically after the expiry of the said fixed term.

6. Further, the respondent-workman had worked with the petitioner-university for more than 240 days in the 12 months prior to the date of his termination, which findings have also been recorded by the Tribunal in the paragraph No. 3 of the impugned order dated 01.12.2017 (Annexure P-3) and the said findings have not been rebutted by the counsel for the petitioner to be perverse either to the facts or the evidence on record.

7. Even otherwise, the Award dated dated 01.12.2017 (Annexure P-3) of the Labour Court can only be interferred in case the same is perverse to the facts or law. In the present case, no perversity has been shown to this Court in the impugned Award that the same is contrary to the facts or the evidence on record.

8. No ground is made out for any interference by this Court in the facts and circumstances of the present case.



9. Accordingly, the writ petition is dismissed.

10. It may be noticed that as vide impugned award dated 01.12.2017 (Annexure P-3), the respondent-workman was directed to be reinstated in service but due to the interim direction granted by this Court vide order dated 04.09.2018, he was not reinstated and the respondent-workman died during the pendency of the present petition.

11. Any interim order passed by this Court cannot cause prejudice to the workman in any manner. Due to the interim order dated 04.09.2018 passed by this Court, the respondent-workman could not join back in service and earn, hence, in the totality of the facts and circumstances of the present case, the respondent-workman is held entitled for a compensation of Rs.1,50,000/- as full and final settlement of the issue between the parties.

12. Let the said lump sum amount of Rs. 1,50,000/- as compensation be released in favour of the legal heirs of the respondent-workman within the period of eight weeks from the date of receipt of copy of this order failing which it will carry interest @ 6% per annum from today.

(HARSIMRAN SINGH SETHI)
JUDGE

28.07.2025

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Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No