

**CWP-24751-2016 (O&M)****IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****(232)****CWP-24751-2016 (O&M)
Date of Decision : 23.04.2026**

Haryana Police Housing Corporation

...Petitioner

Versus

Sat Pal Singh and another

...Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARIPresent: Mr. Varun Katyal, Advocate
for the petitioner.Mr. Manoj Tanwar, Advocate
for respondent No.1/workman.

KULDEEP TIWARI, J. (ORAL)

1. Through the instant writ petition, cast under Article 226/227 of the Constitution of India, the award dated 12.07.2016 (Annexure P-12), passed by learned Industrial Tribunal concerned, has been put to challenge by the petitioner-Haryana Police Housing Corporation, wherethrough, the reference under Section 10 (1) (c) of the Industrial Disputes Act, 1947 (for short 'the ID Act'), was answered in favour of the respondent No.1/workman, and he was awarded the relief of reinstatement with continuity of service and 50% back wages.

2. Learned counsel for the petitioner submits that appointment of the respondent No.1/workman, was in fact, a back door entry and he was not appointed through any employment exchange, or by way of any advertisement, or by conducting any proper selection process. He submits that this aspect should have been considered while granting the relief of

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reinstatement. He fairly submits that no show cause notice was ever served upon the respondent No.1/workman for misconduct. However, an effective opportunity of hearing was afforded to him, and only thereafter, his services were terminated in compliance of principles of natural justice. He further submits that since the respondent No.1/workman, was not a regular employee, and therefore, there was no need to comply with the rigours of departmental enquiry. Finally, he placed reliance upon the conditions of appointment letter, which empowers the employer, to terminate the services of the workman, at any time without giving prior notice.

3. This Court has considered the submissions made by learned counsel for the petitioner.

4. In the instant case, the respondent No.1/workman, was posted as Night Chowkidar in Madhuban office-cum-store. During his tenure, nine quintals of steel bars were stolen, which were valued at Rs.25,000/-, and an FIR No.71 dated 02.05.2005, under Section 379 IPC, P.S. Madhuban was registered, and after an enquiry, his services were terminated on 12.07.2005. He was initially appointed as Chowkidar, on 02.05.1994, at Ambala, and had joined Madhuban Division on 18.06.1997.

5. It is not under dispute that the respondent No.1/workman, was not granted any retrenchment compensation, and there were no allegations against the workman, that he had committed the theft. Before learned Tribunal concerned, the petitioner/Management, has failed to produce any record, with regard to conducting of an enquiry against the workman, as to whether, he was involved in the commission of theft, or not. If there were any allegations of theft against the respondent No.1/workman, then the

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petitioner/Management was under obligation to conduct the enquiry, giving due opportunity of hearing to the respondent No.1/workman.

6. This Court has also examined the award, in question, wherein, on the basis of the record, learned Tribunal has concluded that no legally sustainable enquiry was conducted by the petitioner/Management, before termination of his services. Furthermore, there is also an infraction of Section 25(F) of the ID Act, and finally, learned Tribunal answered the reference in favour of the respondent No.1/workman.

7. Now the issue, which arises for consideration is, as to whether, at this stage, this Court can consider the submissions made by learned counsel for the petitioner/Management, to the effect, that despite declaring the termination illegal, whether the respondent No.1/workman can be granted the relief of reinstatement, or not.

8. It is a case where the services were terminated on account of misconduct on the part of the respondent No.1/workman. In case, the termination order was found incorrect, the only remedy left with learned Tribunal was, to grant the reinstatement with continuity of service. However, with efflux of time, the situation has changed, as the petitioner/Management, has challenged the award before this Court, and a Coordinate Bench of this Court, vide order dated 09.11.2017, had stayed the operation of the impugned award, subject to compliance of Section 17-B of the ID Act.

9. The respondent No.1/workman, is out of service since 12.07.2005, and now, more than 20 years, has passed. Further, it is not disputed that respondent No.1/workman, was not a regular employee. Therefore, this Court is of the considered opinion that the relief of reinstatement can be modified, and the claim of the respondent

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No.1/workman, can be satisfied by paying a lump sum compensation to him. Undisputedly, the respondent No.1/workman has worked with the petitioner/Management, for about 11 years.

10. The Coordinate Bench of this Court in **CWP No.11057 of 2001**, titled '**State of Haryana vs. Surjeet and another**' decided on 30.07.2025, has quantified the lump sum compensation to the tune of Rs.50,000/-, for each completed year. The relevant is extracted hereinafter :-

“7. A bare perusal of the above reproduction would show that for each completed year, instead of reinstatement, a workman can be paid compensation to the tune of Rs.50,000/- for each completed year. Keeping in view the fact that in the present case, respondent No.1-workman had worked for a period of more than 06 years, he becomes entitled for sum of Rs.3,00,000/- on the said account.”

11. In view of the judgment (supra), this Court deem it apt to modify the impugned award, to the extent, that respondent No.1/workman, is entitled for lump sum compensation of Rs.50,000/-, for each year he has worked with the petitioner/Management. Since the respondent No.1/workman, has worked more than 11 years, with the petitioner/Management, therefore, the claim of the respondent No.1/workman, can be satisfied by passing a direction upon the petitioner/Management, to pay a lump sum compensation of Rs.6,00,000/-, to the respondent No.1/workman, within a period of six weeks from the date of receipt of certified copy of this order. In case, the amount (supra), is not paid within the stipulated period, the respondent No.1/workman, shall further be entitled for interest @ 9%, on the delayed payment.



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12. Consequently, the instant writ petition is **disposed of**.
13. Pending miscellaneous applications, if any, stands disposed of accordingly.

(KULDEEP TIWARI)
JUDGE

April 23, 2026
Manpreet

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