

**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**

D.B. Special Appeal Writ No. 735/2023

Magan Lal S/o Shri Bhuvana, Aged About 54 Years, R/o Fataypur Teh.
Jahajpur Dist. Bhilwara (Through Mahamantri Instrumentation
Karamchari Union (Hms), Bangali Colony, Chawani, Kota

----Appellant

Versus

Manager, Instrumentation Ltd., Jhalawar Road, Kota

----Respondent

Connected With

D.B. Special Appeal Writ No. 998/2023

Manager Instrumentation Ltd., Jhalawar Road, Kota (Presently Having
Office At C/o Hindustan Salts Limited, G-229, Sitapura Industrial Area,
Jaipur 302022)

----Appellant

Versus

Magan Lal S/o Shri Bhuwana, Aged About 54 Years, Resident Of
Fataypur Tehsil Jahajpur District Bhilwara (Through Mahamantri
Instrumentation Employees Union (Hms), Bengali Colony, Cantt. Kota

----Respondent

For Appellant(s)	:	Mr. Kailash Chander Sharma in DBSAW No.735/2023 Mr. Kapil Sharma with Mr. Divyanshu Charan in DBSAW No.998/2023
For Respondent(s)	:	Mr. Kapil Sharma with Mr. Divyanshu Charan in DBSAW No.735/2023 Mr. Kailash Chander Sharma in DBSAW No.998/2023

HON'BLE THE ACTING CHIEF JUSTICE MR. SANJEEV PRAKASH SHARMA

HON'BLE MR. JUSTICE BALJINDER SINGH SANDHU

Order

11/11/2025

1. This is an appeal preferred against the judgment passed by the learned Single Judge, whereby learned Single Judge has enhanced the amount of compensation from Rs.2,00,000/- to Rs.5,00,000/-. The company has also filed an appeal against the order passed by the learned Single Judge.

2. It is stated by learned counsel for the appellant-workman that in terms of the judgment passed by the Hon'ble Supreme Court in the case of **Amit Kumar Dubey Vs. M.P.P.K.V.V. Co. Ltd. and Anr. (CA No.1198/2025)**, decided on 29.01.2025, wherein the workman therein has been held to be entitled to enhance compensation at the rate of 1.5 lakhs per year, he, therefore, submits that the appellant-workman herein too, should be given compensation at the rate of 1.5 lakhs per year from 01.03.1977 to 27.03.1987 i.e. about ten years. Calculating those, he submits that the amount of Rs.15,00,000/- ought to have been paid.

3. *Per contra*, learned counsel for the appellant in the connected appeal i.e. D.B. Civil Special Appeal Writ No.998/2023 submits that Instrumentation Limited, Jhalawar, Kota was a company, which has been closed. It was being run by the Central Government Authority, but it is non-functional since ages now. The amount of compensation which has been awarded is on much higher side, as the respondent-workman in his appeal cannot be reinstated. The amount in lieu of reinstatement ought not to have been enhanced to Rs.5,00,000/-. The amount of Rs.2,00,000/-, as directed to be paid by the learned Labour Court, therefore, was sufficient amount. He further submits that on account of company having been closed, the case could not be properly dealt with before the learned Labour Court and after the Court held the enquiry to be unfair, the company could not claim further enquiry before the Court itself, nor any evidence could be brought on record. He points out that there were four charges leveled against the respondent-workmen.

4. We have considered the submissions.

5. We notice that in the facts of the said case namely; **Amit Kumar Dubey (supra)**, the Hon'ble Supreme Court passed order of enhancing compensation at the rate of 1.5 lakhs per year. However, in the present case, we notice that the company has already been closed. In the circumstances, there was no occasion to reinstate the workman, who had been removed from service on account of departmental proceedings initiated against him, which were declared unfair by the concerned Labour Court. In the circumstances, in lieu of reinstatement, he was awarded a compensation of Rs.2,00,000/- which the learned Single Judge found to be inadequate and enhanced the same to Rs.5,00,000/-.

6. Considering the overall circumstances and the fact that the company has already been closed, we do not propose to enhance the amount. At the same time, the submission raised on behalf of the company, whereby it challenged the order of learned Single Judge is also found to be without any basis.

7. Both the appeals are accordingly, dismissed. The order passed by the learned Single Judge is upheld.

8. It is made clear that the amount of compensation shall be paid to the workman within a period of one month henceforth, failing which the workman would be entitled to interest at the rate of 9% per annum from the date of award.

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

10. A copy of this order be placed in the connected file.

(BALJINDER SINGH SANDHU),J (SANJEEV PRAKASH SHARMA),ACTING CJ