

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

D.B. Special Appeal (Writ) No. 630/2024
URN: SAW / 1661U / 2024

In

S.B. Civil Writ Petition No. 10536/2017

Pramod Singh Chauhan Son of Late Shri R.K. Chouhan, Through
AC/ST Mahasangh, Dhaulabhata Main Road, Ajmer.

----Appellant

Versus

Regional Manager, Hindustan Petroleum Corporation Limited
(LPG), Village Gaderi, Dilwara, Via Nasirabad, Ajmer.

----Respondent

Connected With

D.B. Special Appeal (Writ) No. 629/2024
URN: SAW / 1659U / 2024

In

S.B. Civil Writ Petition No.10546/2017

Shri Kamal Kumar Son of Shri Omprakash, Through AC/AT
Mahasangh, Dhaulabhata Main Road, Ajmer.

----Appellant

Versus

Regional Manager, Hindustan Petroleum Corporation Limited
(LPG), Village Gaderi, Dilwara, Via Nasirabad, District Dilwara,
Via Nasirabad, District Ajmer.

----Respondent

For Appellant(s)	:	Mr. Dharmendra Jain Mr. Arvind Kumar Arora
For Respondent(s)	:	Mr. Rachit Sharma

HON'BLE MR. JUSTICE INDERJEET SINGH
HON'BLE MR. JUSTICE SANDEEP TANEJA

ORDER

15/07/2026

1. These appeals have been filed by the appellants (hereinafter referred to as "workmen") challenging the order dated 14.08.2024 passed by the learned Single Judge whereby lump sum amount of Rs.3,00,000/- has been granted to each of the workman in lieu of reinstatement.
2. Brief facts of the case are that the workmen raised an industrial dispute and after reference being made to the learned Industrial Tribunal (hereinafter to be referred as Tribunal) separate awards came to be passed by the learned Tribunal on the same day i.e. 23.11.2016 whereby, claim of the workmen was partly allowed and the respondent (hereinafter to be referred as Corporation) was directed to pay lump sum compensation of Rs.2,00,000/- to each of the workman in lieu of reinstatement. Thereafter, both the workmen filed writ petitions before the learned Single Judge and the learned Single Judge partly allowed both the writ petitions by common order dated 14.08.2024 by which the compensation awarded by the learned Tribunal to the tune of Rs.2,00,000/- was enhanced to Rs.3,00,000/-.
3. Learned counsel appearing on behalf of the workmen submitted that as per the admission made by the Corporation before the learned Tribunal, the workman namely; Pramod Singh Chauhan worked with the Corporation for a period of 3 years 11 months and 24 days and Kamal Kumar worked with the Corporation for a period of 4 years 2 months and 9 days.
4. Learned counsel further submits that as both the workmen have worked with the Corporation for about 4 years, therefore the compensation awarded by the learned Single Judge to the tune of

Rs.3,00,000/- to each of the workman be enhanced to Rs.6,00,000/- each i.e. Rs.1,50,000/- for each completed year.

5. Learned counsel for the workmen relied upon the judgment passed by the Hon'ble Supreme Court in the matter of "**Amit Kumar Dubey Vs. M.P.P.K.V.V. Co. Ltd. & Anr.**" reported in **2025 Supreme (online) (SC) 782**, wherein, it was held as under:-

"1. Leave granted.

2. The instant appeals have been preferred by ten appellants separately, and thereafter tagged together, against the impugned common judgment dated 27.02.2024 passed by the High Court of Madhya Pradesh in several connected Writ Petitions, whereby the order granting reinstatement of workmen was quashed and instead compensation of Rs. 50,000/- (Rupees Fifty thousand only) was provided in lieu of reinstatement. The said Writ Petitions before the High Court were preferred by the respondent-company challenging the award(s) of the Labour Court granting similar relief of reinstatement to the appellants herein.

3. Brief facts of the matters are that the appellants were appointed on the sanctioned post of Operator TA Grade-2 in Madhya Pradesh Poorv Kshetra Vidyut Vitaran Company Ltd. at different points of time pursuant to a contractual agreement obligating the appellants to serve for a period of three months. Upon successful completion of the aforesaid term, the appellants were directed to continue as a regular employee functioning as Operator TA Grade. However, in 2011, the respondent executed an agreement with the appellants so as to deprive them of the service benefits and regularization by reflecting an artificial break or interval in the service period.

Subsequently, the appellants after rendering services for different periods of time since their initial date of appointment, were terminated from their services. Such illegal termination from service was challenged by the appellants by way of separate petitions and Labour Commissioner referred the said industrial dispute for adjudication to the Labour Court, Sagar, Madhya Pradesh under Section 10(1) of the Industrial Disputes Act, 1947.

4. The Labour Court, vide different orders, granted similar relief to the appellants whose plight was based on similar factual matrix by holding their termination to be illegal as it was in contravention with Section 25F of the ID Act. It directed the respondent to reinstate the workmen-appellants and also awarded backwages to the appellants depending on the specific facts of each case.

5. Aggrieved by the award(s) of the Labour Court, the respondent preferred several Writ Petitions before the High Court challenging each of these awards in which the impugned common order was passed. The counsel for the respondent herein had confined his arguments before the High Court to the effect that even if the Labour Court had concluded that termination of service was bad on account of non-compliance of Section 25F of the ID Act, yet the direction to the respondent should have been limited to payment of compensation in lieu of reinstatement. The High Court agreed with such contention based on its reliance on several judgments of this Court on the subject matter. Accordingly, the High Court affirmed the finding with regard to setting aside of termination but so far as the order of reinstatement of workmen was concerned, the same was quashed and instead the appellants were held entitled to a compensation of Rs. 50,000/- (Rupees Fifty thousand only) payable to each of them within a period of two months.

6. Aggrieved by the impugned order, the appellants are before us.

7. On 06.09.2024, this Court had issued notice in the matters limited to the question of quantum of compensation awarded by the High Court as it agreed with the observation of the High Court that in every case where termination is found to be illegal, the grant of reinstatement cannot be applied mechanically. Where such a termination is found illegal because of a procedural defect such as in violation of Section 25F of ID Act, this Court has consistently taken a view that in lieu of reinstatement the grant of monetary compensation shall meet the ends of justice.

8. However, we do not find the grant of a sum of Rs. 50,000/- (Rupees Fifty thousand only) as compensation by the High Court to be adequate and just in the facts and circumstances of the present matters. The amount of sum of Rs. 50,000/- (Rupees Fifty thousand only) is too nominal and unjust considering that the appellants were working as Operator TA Grade with the respondent. Additionally, the High Court while passing the impugned order has also lost sight of the fact that each of the appellant had served for a varying duration of time and a blanket/uniform grant of Rs. 50,000/- (Rupees Fifty thousand only) as compensation in differing cases shall not meet the ends of justice and will be in contravention with the principle of proportionality.

9. Therefore, in the facts and circumstances of the matters, we deem it fit to enhance the compensation granted to the appellants by the High Court. We hold that the appellants would be entitled to enhanced compensation at the rate of Rs. 1.5 lakhs per year for the period they have worked and in case, they have worked for a part of the year, then the amount of compensation is to be calculated at the same rate to be applied on a

pro-rata basis. The following table represents the period of service rendered by each of the appellant and accordingly, the amount of compensation each of them shall be entitled to in terms of the above directions:

Diary No.	Appellant's Name	Month of Joining	Month of commencement of regular service	Month of termination	Period of service	Amount of compensation
34425/24	Amit Kumar Dubey	May, 2008	August, 2008	June, 2011	3 years 2 months	Rs. 4,75,000
34400/24	Anil Kumar Choudhary	June, 2009	November, 2009	March, 2011	1 year 10 months	Rs. 2,75,000
34401/24	Prakash Premi	December, 2006	March, 2007	June, 2011	4 years 7 months	Rs. 6,87,500
34420/24	Balram Ahirwar	July, 2008	October, 2008	June, 2011	3 years	Rs. 4,50,000
34720/2024	Amar Singh Thakur	July, 2008	October, 2008	June, 2011	3 years	Rs. 4,50,000
24986/2024	Devendra Kumar Shukla	January, 2004	April, 2004	July, 2011	7 years 7 months	Rs. 11,37,500
34404/2024	Abhishek Chouksey	April, 2008	July, 2008	June, 2011	3 years 3 months	Rs. 4,87,500
34419/2024	Sunil Kumar Mishra	March, 2008	May, 2008	June, 2011	3 years 4 months	Rs. 5,00,000
34412/2024	Deepchandra Rohit	April, 2008	July, 2008	June, 2011	3 years 3 months	Rs. 4,87,500
34721/2024	Nilesh Kumar	February, 2008	April, 2008	June, 2011	3 years 5 months	Rs. 5,12,500

10. Accordingly, the appeals are partly allowed to the extent of enhancement of compensation as directed above which is to be paid within three months from today. Further, any payment made to the appellant(s) under Section 17B of the ID Act shall be set off while calculating the final amount to be paid. Additionally, the respondent shall be at liberty to consider the re-engagement of the appellant(s) in view of the provisions contained in Section 25H of the ID Act.
11. Pending application(s), if any, shall stand disposed of."

6. Per contra, learned counsel for the Corporation submitted that these intra-court appeals are not maintainable in view of the judgments passed in the matters of "**Sukh Dev & Ors. vs. Prakash Chandra & Ors.**" reported in **2010(2) WLN 113**, and "**Hindustan Petroleum Corporation Limited vs. Shyam Narain Mehra & Brothers**" reported in **2015(3) WLN 458 (Raj.)**. He further submitted that adequate compensation has already been awarded by the learned Single Judge and no interference is required by this Court in these intra-court appeals and prayed for dismissal of these appeals.

7. Heard learned counsel for the parties and perused the record.

8. We have considered the fact that as per the admission made by the Corporation before the learned Tribunal both the workmen had worked for about 4 years and therefore they are entitled for compensation of Rs.1,50,000/- for each completed year in view of the judgment passed by the Hon'ble Supreme Court in the matter of "**Amit Kumar Dubey**" (*supra*).

9. We have also considered the judgments relied upon by learned counsel for the Corporation with regard to maintainability of the appeals. The said judgments are not applicable in the present facts as in the relied upon judgments appeals were filed before the Division Bench which basically pertain to the judgments/orders passed by the Civil Courts whereas, the present appeals basically pertain to the award passed by the Industrial Tribunal which became subject matter of challenge before the learned Single Judge under Article 226 and 227 of the Constitution of India.

10. In the facts and circumstances before us, as already held above that the workmen have worked for 4 year, as admitted by the Corporation itself before the Tribunal, therefore, in our view both the workmen are entitled to get Rs.1,50,000/- for each completed year, thus total amount of Rs.6,00,000/- for each of the workman.

11. In that view of the matter, these appeals are partly allowed and the compensation amount as awarded by the learned Single Judge to the tune of Rs.3,00,000/- to each of the workman is enhanced to Rs.6,00,000/- and the Corporation is directed to pay the enhanced amount of compensation of Rs.3,00,000/- to each of the workman within a period of two months.

12. All pending applications, if any, stand disposed of. A copy of this order be placed in the connected file.

(SANDEEP TANEJA),J

(INDERJEET SINGH),J