
(2014) 07 P&H CK 0458
In the Punjab And Haryana At Chandigarh
Case No : C.W.P. No. 13629 of 1992

The Managing Director

APPELLANT

Vs

The Presiding Officer

RESPONDENT

Date of Decision : 31-07-2014

Acts Referred:

Industrial Disputes Act, 1947 — Section 25-F, 25-FF, 25-FFF

Citation : (2014) 07 P&H CK 0458

Hon'ble Judges : K. Kannan, J

Bench : Single Bench

Advocate : M.S. Bedi, Advocate for the Appellant; Ranbir Singh Pathania, DAG, Advocate for the Respondent

Final Decision : Allowed

Judgement

K. Kannan, J.—The order in challenge by the State is a direction for reinstatement issued by the Labour Court on a reference secured by the workman that he had been terminated wrongfully without adhering to the scheme of Section 25-F of the Industrial Disputes Act. The contention in reply by the management was that the petitioner was a Helper against reserved post of Scheduled Caste category as a stop gap arrangement and the retrenchment was made according to the rule of last come, first go, due to the closure of plant at Tohana when the Corporation faced severe financial constraints. It was also pointed out that the petitioner had been actually paid compensation of closure of the unit u/s 25-FF calculated at Rs. 1568.22 and hence there existed no retrenchment u/s 25-F as stated by the petitioner.

2. It is the admitted case that the unit was closed and it was also elicited in the evidence of the petitioner himself that he had received compensation of Rs. 1588.22 when he was served with order of termination in January, 1988. The counsel appearing on behalf of the State would refer me to a decision of the Supreme Court in Managing Director, Haryana Seeds Development Corpn., Ltd. Vs. Presiding Officer and Another, etc., that held that retrenchment of workman

after the unit was closed due to heavy rains and flood beyond the control of the employer, the rigour of Section 25-F stands excluded and the compensation that would be payable would be only what is provided u/s 25-FFF of the Industrial Disputes Act. This has also been considered by a Division Bench of this Court in Haryana Seeds Development Corporation Vs. Pohap Singh and Another, that reiterates the same principle of what has been laid down by the Supreme Court.

3. The order directing reinstatement was clearly erroneous, for the petitioner has been terminated only under the circumstances justifying closure and termination and the amount paid already constitutes full reparation to the workman.

4. The impugned order is set aside and the direction for reinstatement is quashed. The writ petition is allowed.