(2026:HHC:49139)

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No.4849 of 2025 a/w CWP Nos.4851, 4853, 5160, 5162, 5164, 5172, 5174, 6365, 6367, 6385, 6396, 6397, 6398, 6399, 6400, 6401, 6402, 7403 to 7414, 7416, 7418, 7420, 7422, 7424, 7643, 7944 to 7950 and 16900 of 2025

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1. CWP No.4849 of 2025

The Chairman Bhakra Beas Management Board and another **.....Petitioners**

Versus

Shri Narotam Ram and another **....Respondents**

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2. CWP No.4851 of 2025

The Chairman Bhakra Beas Management Board and another **.....Petitioners**

Versus

Shri Mangat Ram and another **....Respondents**

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3. CWP No.4853 of 2025

The Chairman Bhakra Beas Management Board and another **.....Petitioners**

Versus

Shri Upender and another **...Respondents**

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4. CWP No.5160 of 2025

The Chairman Bhakra Beas Management Board and another **.....Petitioners**

Versus

Shri Dharam Singh and another **...Respondents**

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5. CWP No.5162 of 2025
The Chairman Bhakra Beas Management Board and another **.....Petitioners**

Versus

Shri Daulat Ram and another **...Respondents**

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6. CWP No.5164 of 2025
The Chairman Bhakra Beas Management Board and another **.....Petitioners**

Versus

Shri Roshan Lal and another **....Respondents**

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7. CWP No.5172 of 2025
The Chairman Bhakra Beas Management Board and another **.....Petitioners**

Versus

Shri Nand Lal and another **....Respondents**

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8. CWP No.5174 of 2025
The Chairman Bhakra Beas Management Board and another **.....Petitioners**

Versus

Shri Relu Ram and another **....Respondents**

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9. CWP No.6365 of 2025
The Chairman Bhakra Beas Management Board and another **.....Petitioners**

Versus

Shri Chint Ram and another **...Respondents**

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10. CWP No.6367 of 2025
The Chairman Bhakra Beas Management Board and another **.....Petitioners**

Versus

Shri Arjun Singh and another **....Respondents**

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11. CWP No.6385 of 2025
The Chairman Bhakra Beas Management Board and another **.....Petitioners**

Versus

Shri Bahadur Singh and another **....Respondents**

12. CWP No.6396 of 2025
The Chairman Bhakra Beas Management Board and another **.....Petitioners**

Versus

Shri Sant Ram and another **....Respondents**

13. CWP No.6397 of 2025
The Chairman Bhakra Beas Management Board and another **.....Petitioners**

Versus

Shri Brestu Ram and another **...Respondents**

14. CWP No.6398 of 2025
The Chairman Bhakra Beas Management Board and another **.....Petitioners**

Versus

Shri Khub Ram and another **...Respondents**

15. CWP No.6399 of 2025
The Chairman Bhakra Beas Management Board and another **.....Petitioners**

Versus

Shri Maghu Ram and another **....Respondents**

16. CWP No.6400 of 2025
The Chairman Bhakra Beas Management Board and another **.....Petitioners**

Versus

Shri Dharam Singh and another **....Respondents**

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17. CWP No.6401 of 2025
The Chairman Bhakra Beas Management Board and another **.....Petitioners**

Versus

Shri Maghu Ram and another **....Respondents**

18. CWP No.6402 of 2025
The Chairman Bhakra Beas Management Board and another **.....Petitioners**

Versus

Shri Bhagat Ram and another **....Respondents**

19. CWP No.7403 of 2025
The Chairman Bhakra Beas Management Board and another **.....Petitioners**

Versus

Shri Chuhru Ram and another **....Respondents**

20. CWP No.7404 of 2025
The Chairman Bhakra Beas Management Board and another **.....Petitioners**

Versus

Shri Jai Ram and another **....Respondents**

21. CWP No.7405 of 2025
The Chairman Bhakra Beas Management Board and another **.....Petitioners**

Versus

Shri Parsu Ram and another **....Respondents**

22. CWP No.7406 of 2025
The Chairman Bhakra Beas Management Board and another **.....Petitioners**

Versus

Shri Hem Raj and another **....Respondents**

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23. CWP No.7407 of 2025
The Chairman Bhakra Beas Management Board and another **.....Petitioners**

Versus

Shri Ram Singh and another **....Respondents**

24. CWP No.7408 of 2025
The Chairman Bhakra Beas Management Board and another **.....Petitioners**

Versus

Shri Mangloo Ram and another **....Respondents**

25. CWP No.7409 of 2025
The Chairman Bhakra Beas Management Board and another **.....Petitioners**

Versus

Shri Dharam Singh and another **....Respondents**

26.CWP No.7410 of 2025
The Chairman Bhakra Beas Management Board and another **.....Petitioners**

Versus

Shri Daulat Ram and another **....Respondents**

27. CWP No.7411 of 2025
The Chairman Bhakra Beas Management Board and another **.....Petitioners**

Versus

Shri Tara Chand and another **....Respondents**

28. CWP No.7412 of 2025
The Chairman Bhakra Beas Management Board and another **.....Petitioners**

Versus

Shri Ram Ditta and another **....Respondents**

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29. CWP No.7413 of 2025
The Chairman Bhakra Beas Management Board and another **.....Petitioners**

Versus

Shri Dharam Singh and another **...Respondents**

30. CWP No.7414 of 2025
The Chairman Bhakra Beas Management Board and another **.....Petitioners**

Versus

Shri Basakhi Ram and another **....Respondents**

31. CWP No.7416 of 2025
The Chairman Bhakra Beas Management Board and another **.....Petitioners**

Versus

Shri Gian Singh and another **....Respondents**

32. CWP No.7418 of 2025
The Chairman Bhakra Beas Management Board and another **.....Petitioners**

Versus

Shri Bhagat Ram and another **....Respondents**

33. CWP No.7420 of 2025
The Chairman Bhakra Beas Management Board and another **.....Petitioners**

Versus

Shri Biri Singh and another **...Respondents**

34. CWP No.7422 of 2025
The Chairman Bhakra Beas Management Board and another **.....Petitioners**

Versus

Shri Mohan Lal and another **....Respondents**

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35. CWP No.7424 of 2025

The Chairman Bhakra Beas Management Board and another **.....Petitioners**

Versus

Sh. Sohan Singh and another **....Respondents**

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36. CWP No.7943 of 2025

The Chairman Bhakra Beas Management Board and another **.....Petitioners**

Versus

Sh. Chet Ram (deceased) through LRs and Others **....Respondents**

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37. CWP No.7944 of 2025

The Chairman Bhakra Beas Management Board and another **.....Petitioners**

Versus

Shri Basakhu Ram and another **...Respondents**

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38. CWP No.7945 of 2025

The Chairman Bhakra Beas Management Board and another **.....Petitioners**

Versus

Shri Shyam Lal and another **...Respondents**

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39. CWP No.7946 of 2025

The Chairman Bhakra Beas Management Board and another **.....Petitioners**

Versus

Shri Hem Prabh (deceased) through LRs **...Respondents**

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40. CWP No.7947 of 2025

The Chairman Bhakra Beas Management Board and another **.....Petitioners**

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Shri Lalit Kumar and another ....Respondents

41. CWP No.7948 of 2025

The Chairman Bhakra Beas Management Board and another .....Petitioners

Versus

Shri Narpat Ram and another ....Respondents

42. CWP No.7949 of 2025

The Chairman Bhakra Beas Management Board and another .....Petitioners

Versus

ShriChunni Lal and Others ....Respondents

43. CWP No.7950 of 2025

The Chairman Bhakra Beas Management Board and another .....Petitioners

Versus

Shri Niaz Mohammad and Others ...Respondents

44. CWP No.16900 of 2025

The Chairman Bhakra Beas Management Board and another .....Petitioners

Versus

Smt. Giano Devi and Others ...Respondents

Coram:

The Hon'ble Mr. Justice G.S. Sandhawalia, Chief Justice.
The Hon'ble Mr. Justice Bipin Chander Negi, Judge.

Whether approved for reporting?

For the Petitioner(s): Mr. Aman Sood, Advocate, in all the petitions.

For the Respondent(s): Ms. Suchitra Thakur and Mr. Krishan Chand Chauhan, Advocates, for the respondents, in all the petitions, except in CWP No.16900 of 2025 and for the LRs

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of respondent No.1 in CWP No.7946 of 2025.

Mr. Ajay Kumar Dhiman, Advocate, for the respondents, in CWP No.16900 of 2025.

G.S. Sandhawalia, Chief Justice.

The present judgment shall dispose of 44 writ petitions, the details of which are given above, filed by the petitioner-Board against the Awards dated 15.07.2024, 18.07.2024 and 19.07.2024 **(Annexure(s) P-1),** passed by the Presiding Officer, Central Government Industrial Tribunal-cum-Labour Court, Chandigarh and details are being taken from Reference Case No.116/2005, titled as ***Narotam Ram Vs. BBMB and Another***.

2. In sum and substance, the Labour Court had concluded that the workmen, who had completed five years of service would be entitled to Rs. 50,000/- along with interest @ 9% per annum as compensation from the date of filing the application till realization of the amount. This was on account of non-compliance with Rules 77 and 78 of the Industrial Disputes Act, 1947 (hereinafter referred to as 'the Act of 1947'), resulting in violation of provisions of Section 25H of 'the Act of 1947', as the previously retrenched workmen were not offered re-employment and held a preferential right over other persons employed by the

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petitioners-Board. Similarly, the workmen who had completed less than five years but more than one year of service, were held entitled to Rs.25,000/- along with interest @ 9% per annum from the date of filing the application(s) till realization of the amount, whereas those employees who had not completed one year of service, were not held entitled to any compensation.

3. The facts are identical and consensus was arrived at between the counsels and the details have been taken from the lead case, i.e. ***CWP No.4849 of 2025,*** titled as ***The Chairman, Bhakra Beas Management Board and another Vs. Narotam Ram and another***, filed by the petitioner-Board against the workman-Narotam Ram.

4. The Tribunal had thus rejected the prayer raised by the petitioner-Board, namely, that the work-charged employees were employees of the 'Beas Construction Board' rather than the 'Bhakra Beas Management Board' (hereinafter known as "B.B.M.B.") while placing reliance upon the celebrated judgment of the Apex Court in ***Jaswant Singh and another Vs. Union of India and another (1979) 4 SCC 440,*** whrein the rights of the work-charged employees of B.B.M.B. were left open by the Apex Court to be agitated under the provisions of the 'the Act of 1947' Furthermore, they were held bound firstly by an Award dated

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15.05.1974 and a subsequent settlement arrived at on 28.06.1977, which had been not produced by the Management despite being given an opportunity. Thus, an adverse inference was drawn against the petitioner-Board.

5. Taking into consideration the observations made in the Award dated 15.05.1974 in Reference No.2-C of 1971 concerning the work-charged employees of the Beas Sutlej Link Project, Sundernagar, the Tribunal concluded that the petitioner-Board had made no efforts to provide employment after the workmen were retrenched. Since the Board was duty-bound to rehabilitate the work-charged employees and restore a congenial atmosphere, compensation was awarded. This decision accounted for the multiple rounds of litigation *inter se* the parties and reinstatement or re-employment was no longer possible at the time of the award. Finally, the issue of limitation was rejected on the ground that there was no specific time period prescribed for filing a Reference.

6. It was in this background while issuing notice, this Court had directed the deposit of the said amount along with up-to-date interest, and the Award remained stayed. The needful has been done over a period of time, therefore, the amount is secured to be disbursed to the successful party.

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Arguments of Counsel for the petitioner-Board:-

7. Counsel for the petitioner-Board has again raised the issue of delay on the part of the workmen, noting that the Reference was made only on 07.07.2025, whereas the retrenchment and discharge took place way back on 29.11.1978. The additional ground on which the award has been challenged, primarily asserts that the petitioner-Board has been wrongly foisted with liabilities belonging to the 'Beas Construction Board', which was the actual employer at that point of time. The workman's enrollment had occurred on 31.10.1971, while the Board was constituted on 01.11.1966, initially as the 'Bhakra Management Board' (B.M.B.) and later renamed as the 'Bhakra Beas Management Board' (B.B.M.B.) on 15.05.1976.

8. Reliance is also placed upon the Discharge Certificate. In this context, it is pointed out that the Discharge Certificate was issued by the Sub-Divisional Officer, Mechanical Division, Sundernagar, Himachal Pradesh and does not co-relate to the petitioner-Board, with the stated reason for discharge being reduction in strength. Furthermore, it is argued that the onus was on the workmen to prove a violation of the provisions of Section 25H of 'the Act of 1947' along with the relevant Rules, and that the

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Tribunal as such had wrongly put the onus upon the petitioner-Board.

Arguments of Counsel for the respondents:-

9. Counsel for the respondents, on the other hand, has submitted that following the discharge on 29.11.1978, the matter was brought before the Apex Court and was subsequently decided on 29.08.1979 in the case of ***Jaswant Singh's (supra).*** At that point of time, the right was crystallized, establishing that 'the Act of 1947', was the appropriate remedy for work-charged employees. It is further submitted that the Management's recruitment process was brought to light, during which various posts were filled up, however, an upper age limit of 45 years and additional merit-based qualifications were imposed for re-employment. Resultantly, hundreds of fresh applications were filed without giving an opportunity to the existing workmen, which led to the filing of ***CWP No.403/1996,*** titled as ***Sant Ram and 89 Others Vs. BBMB,*** before this Court. Due to the emergence of disputed questions of fact, that matter had to be withdrawn. Because of these disputed facts, the writ petition was withdrawn, leading to the institution of a Civil Suit at Sundernagar on 21.01.1997. This suit was decided on 05.07.2022, whereby the plaints were returned to the workmen to

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enable them to present the matter before the competent authority, which was an action that initiated the current proceedings.

10. The necessary demand notice was issued on 21.11.2003, leading to a reference order passed by the Central Government on 07.07.2005. This reference was challenged through ***CWP No.3100 of 2006,*** titled as ***Bhakra Beas Management Board Vs. Union of India and Others,*** along with 69 other writ petitions, all of which were eventually dismissed by the Punjab and Haryana High Court on 07.05.2007. Thereafter, the matter was taken to the Apex Court, where ***Special Leave Petition Nos.16939-17007 of 2007,*** titled as ***Bhakra Beas Management Board Vs. Biri Singh & Others*****,** were also dismissed on 08.07.2014. Liberty was granted to agitate the matter before the Industrial Tribunal-cum-Labour Court by the Apex Court, ultimately leading to the adjudication of this matter along with connected matters.

11. Reliance is also placed upon the judgment of the Apex Court in ***Ajaib Singh Vs. Sirhind Cooperative Marketing-cum-Processing Service Society Ltd. [AIR 1999 SC 1351; (1999) 6 SCC 82],*** to contend that there is no period of limitation to seek a reference. Accordingly, it is argued that the findings recorded by the Industrial Tribunal were well justified. It is pointed

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out that there is limited jurisdiction under Article 226 of the Constitution of India to interfere with the Awards of the Labour Court and the Court exercises an extraordinary jurisdiction. Only, if there is a patent illegality apparent on the face of the record, it would be exercised and it does not sit as an Appellate Court. Resultantly, it is contended that the findings are well justified.

12. The workmen had rendered labour for the construction of projects envisaged under the then Prime Minister, Pandit Jawaharlal Nehru. Keeping in view their length of service, the compensation granted on account of the delay is in line with the settled principles of law, and thus, the Awards are liable to be upheld.

13. It is submitted that, as per the relevant provisions of the Punjab Re-organisation Act, 1966 (hereinafter referred to as 'the Act, 1966'), specifically Section 79(4), protection is extended under the first proviso. This proviso mandates that every person who, immediately before the constitution of the said Board, was engaged in the construction, maintenance, or operation of the works referred to in sub-section (1), shall continue to be so employed under the Board. Such employment shall remain on the same terms and conditions of service as were applicable to them

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before the Board's constitution, until the Central Government by order, directs otherwise.

14. The cross-examination of the Management witness affidavit in evidence would go on to show that all appointments were made strictly in accordance with the Class III & IV (Recruitment and Conditions of Service) Regulations, 1994. Furthermore, it was admitted that the Board was under no obligation to re-employ the petitioner under the provisions of 'the Act of 1947'. During the cross-examination, the witness also stated that, pursuant to the bye-laws, it was the petitioner's duty to apply and participate in the selection process, as advertised from time to time.

15. In the light of these admissions, Counsel for the respondents has justified the Award. However, the counsel further claims an enhancement and submits that the petitioner's claim is arbitrary, even though no separate writ petitions or cross-appeals have been filed against the Award in question.

16. Keeping in view the contentions raised above, we are of the considered opinion that the following questions arise for consideration and decision by this Court:-

(i) Whether the claim as such of the workmen was time-barred and should have been non-suited due to the delay in raising the Reference.

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(ii) Whether the Labour Court incorrectly determined that the petitioners were employees of the B.B.M.B. and that the petitioner-Board had liability to pay the amounts; and whether, in the absence of the employer-Beas Construction Board, the Reference is bad.

(iii) Whether there was a violation of the provisions of Section 25H of 'the Act, 1947', whether the workman was successful in proving said violations and the relevant Rules providing for re-employment preference, and whether there is admission made by the Management regarding this aspect.

Issue for consideration:-

(i) Whether the claim as such of the workmen was time-barred and should have been non-suited due to the delay in raising the Reference.

17. While dealing with the first issue under consideration, this Court is of the considered opinion that the facts of the case clearly would go on to show that the delay on the part of the workmen in seeking their remedy would not stand in their way, in view of the law laid down by the Apex Court in ***Ajaib Singh's*** *case (supra),* wherein no limitation period is prescribed for workmen to raise a demand seeking the reference of industrial disputes to the Labour Court; however, the Court may mould the relief in the facts and circumstances. These observations were made while repelling a Full Bench judgment of the Punjab and Haryana High Court, which had ruled otherwise. The Apex Court

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concluded that the High Court was not justified in prescribing a limitation period for obtaining a reference, as it is not the function of the Court to prescribe a limitation period where the Legislature, in its wisdom, chose not to do so. Resultantly, the Award of the Labour Court directing reinstatement was upheld, but the back-wages were reduced to 60% because the demand was raised in the year 1981, even though the termination had occurred much earlier on 16.07.1974. It is apparent that the Apex Court as such also kept in view that the Act as such is a beneficial piece of legislation enacted to protect the rights of workmen and it was the battle against the unequals and would result in frustration for the purpose of the enactment merely on account of technicalities of law.

18. In ***Assistant Engineer, Rajasthan State Agriculture Marketing Board, Sub-Division Kota Vs. Mohan Lal (2013) 14 SCC 543,*** a similar view was taken.

19. In ***Raghubir Singh Vs. General Manager, Haryana Roadways, Hissar (2014) 10 SCC 301,*** the Apex Court followed the said view and held that the delay in raising an industrial dispute could be molded by the Labour Court. Resultantly, the Apex Court had set aside the concurrent findings recorded by the Labour Court and the High Court. It

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concluded that the termination order was disproportionate and that the workman was entitled to reinstatement with back-wages effective from the date, the industrial dispute arose, i.e., 02.03.2005. This was ordered despite the fact that the termination had occurred much earlier, on 21.10.1994, due to his implication in criminal cases from which he was ultimately acquitted on 11.07.2002.

20. The said judgments have been constantly followed. Recently, a learned Single Judge of this Court reached a similar conclusion in ***Yog Raj Vs. The Senior Executive Engineer, HPSEB (2026:HHC:29786),*** while applying the law laid down by the Apex Court in ***Special Leave Petition (C) No. 444 of 2024,*** titled as ***State of Uttar Pradesh Vs. Krishna Murari Sharma,*** decided on 17.12.2025.

21. Therefore, keeping in view the above, the judgments relied upon by the counsel for the petitioners-Board are not liable to be accepted, such as ***Chief Engineer, Ranjit Sagar Dam and another Vs. Shyam Lal (2006) 9 SCC 124.*** In that case, the alleged date of termination was 13.11.1990, and the workman had only worked for a period of one year, having joined in November, 1989. The demand for making a reference was made on 15.12.1999, which was after a prolonged period of

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about nine years. Resultantly, a finding was arrived at that there was no proof or receipt showing that the workman had, in fact, worked for 240 days in a year. The Apex Court was persuaded on that account, holding that the mere filing of an affidavit would not suffice in the absence of any proof of receipt of salary or wages for 240 days, or any order or record of appointment or engagement produced by the workman for this period. In such circumstances, the aspect of delay also rendered the claim *ex-facie* bad, and thus, the said judgment would not be applicable here.

22. It is to be noticed that the period of employment spans from 31.10.1971 to 29.11.1978, and the discharge was based on the lack of work and a reduction in strength.

23. It is a matter of record that, in this specific case of the workmen, a petition was filed under Article 32 of the Constitution of India before the Apex Court in ***Jaswant Singh's case*** *(supra)*. In that case, one group comprised various types of regular employees, including Engineers, Overseers, Teachers, Sub-divisional Clerks, Clerks, Accounts Clerks, Time-keepers, Research Assistants, Store-Keepers, Meter Readers, Draughtsmen, Tracers, and Steno-Typists, while the other group consisted of work-charged employees. Both groups sought relief

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against proposed or executed retrenchment orders, claiming that the provisions of Articles 14 and 16 of the Constitution of India were violated. They also claimed parity with deputationists belonging to the service cadres of other State Governments whose services had been lent for the projects in question. These projects began with the construction of the Beas Construction Project in the year 1960, and employment was initially handled by the Beas Control Board. Following the enforcement of 'the Act, 1966' on 01.11.1966, the 'Beas Construction Board' was constituted, and the 'Bhakra Management Board' was set up (later renamed the 'Bhakra Beas Management Board'). A separate chapter, Part VIII, was the subject of consideration before the Apex Court regarding as to how the rights of these employees should be governed. The judgment was pronounced on 29.08.1979, holding that the rights of the 36,000 work-charged establishment working in the Beas Project Management were governed primarily by the Award dated 15.07.1974, in Reference No.2-C of 1971, as well as the subsequent settlement dated 28.06.1977.

24. The case of the workmen, as noticed earlier, is that their services were terminated through retrenchment without prior intimation or opportunity, violating Rules 77 and 78, as well

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as the provisions of Section 25H of 'the Act of 1947'. This led to the first round of litigation in ***CWP No. 403/1996,*** titled as ***Sant Ram and 89 Others Vs. BBMB,*** before this Court. Due to the disputed issues raised, the matter was referred for adjudication. A Civil Suit was subsequently filed on 21.01.1997, but the plaints were eventually rejected and returned on 05.07.2022. This led to a demand notice dated 21.11.2003, with the reference being made on 07.07.2005.

25. The said reference was challenged by the B.B.M.B. in ***CWP No. 3100 of 2006,*** titled as ***Bhakra Beas Management Board Vs. Union of India and Others,*** before the Punjab and Haryana High Court at Chandigarh. This bunch of cases was disposed of on 07.05.2007. Thereafter, the matter remained pending before the Apex Court till the disposal of ***Special Leave Petition Nos. 16939-17007 of 2007,*** titled as ***Bhakra Beas Management Board Vs. Biri Singh & Others*** on 08.07.2014, wherein liability was given to raise all the contentions before the Labour Court, ultimately culminating in the Awards dated 15.07.2024, 18.07.2024 and 19.07.2024 **(Annexure(s) P-1).**

26. Keeping in view the above, this Court is of the considered opinion that the issue of limitation would not stand in the way of the workmen obtaining relief. The relief has been

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accordingly moulded by the grant of compensation, in accordance with the settled principles of law laid down by the Apex Court in ***Incharge Officer & Another Vs. Shankar Shetty (2010) 9 SCC 126*** and **Assistant Engineer, Rajasthan Development Corporation & Another Vs. Gitam Singh (2013) 5 SCC 136.** The Apex Court in the said case had noticed that the engagement of the daily wager was for about 7 years intermittently between 1978 to 1985, while at the time of decision, it was 25 years earlier and resultantly, it was held that reinstatement could not be justified and monetary compensation of Rs. 1,00,000/- was granted.

27. Similarly, in ***Gitam Singh's*** *case (supra),* it was noticed that consequential reliefs would depend on host of factors, namely, manner and method of appointment, nature of employment and length of service, and it was thus held that where the length of engagement of a daily wager has not been long, reinstatement should not be followed and compensation should be directed to be paid. While drawing a distinction between a daily wager and an employee holding a regular post, the work period having been only for eight months, it was accordingly held that compensation of Rs.50,000/- would suffice to meet the ends of justice.

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(ii) Whether the Labour Court incorrectly determined that the petitioners were employees of the B.B.M.B. and that the petitioner-Board had liability to pay the amounts; and whether, in the absence of the employer-Beas Construction Board, the Reference is bad.

&

(iii) Whether there was a violation of the provisions of Section 25H of 'the Act, 1947', whether the workman was successful in proving said violations and the relevant Rules providing for re-employment preference, and whether there is admission made by the Management regarding this aspect.

28. These issues are being decided together, as they are inter-linked.

29. The specific case of the petitioners-workmen was that they had been employed by the Central Government through various Boards. The construction of the Beas Sutlej Link began in the year 1962 under the Beas Construction Board, while its maintenance and operation fell under the Beas Control Board within the Bhakra Beas Management Board (BBMB), utilizing the project agency at Una. By virtue of Section 79 and Section 80 of 'the Act, 1966', these workers became employees of the Central Government effective 15.05.1976, when the BBMB was formally renamed. Following a reduction in strength due to the partial completion of the Beas Sutlej Link, the workmen were

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retrenched, and re-employment certificates were issued from Sundernagar in accordance with ‘the Act of 1947’.

30. In response to the petition filed by these work-charged employees, the petitioner-Board contended in its defense that the workmen were exclusively employed and retrenched by the Beas Construction Board. The Board argued that because the two Boards are distinct and separate legal entities, it bears no liability, as no master-servant relationship ever existed between the Board and the workmen.

31. In the replication filed by the petitioners-Board, the workmen had taken the same stand regarding the amalgamation of the Board due to the reorganization of the State of Punjab. They contended that it was the Board's statutory duty, under the master-servant relationship and applicable service Rules, to inform the applicant via registered post about the intended employment, in compliance with Section 25H and Rules 77 and 78 of ‘the Act of 1947’ which the Board had failed to do.

32. The Labour Court has reproduced the protection granted in Reference No.2-C of 1971 between the workmen of the Beas Sutlej Project. This reference concerned the regularization of work-charged employees, whereby upon the completion of a six-month transition period following the

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project's maintenance phase, employment offers had to be made to the said employees in order of seniority, provided they had completed ten years of continuous service under the Board. The observations were also made that the Central Government, along with the State Governments that are beneficiaries of the project, would make every reasonable effort to ensure their re-employment at other projects or works, either within these States or in any other part of the country where a need exists for workmen of those specific trades. While the relevant Section has already been excerpted by the Labour Court, the effective portions of the Award dated 15.05.1974 are reproduced below for ease of reference:-

> *"In such circumstances stated above I would have directed that the services of those of the workman who have been continuously employed for more than 10 years should be regularized. But the other problems arising from such a direction including financial impact on the employer cannot be lost sight of The Central Government through the board is only managing on behalf of the state of Punjab, Rajasthan, Haryana and Himachal Pradesh who are partners in the venture. Several aspects of the question were discussed with the workmen and the management in the course of arguments and a formula evolved to which the workman virtually agreed and I feel that such a solution as stated hereunder is quite just to all the parties provided it is work out, honestly stated. No doubt, what is referred to me is the matter of regularization of the services of work charge employees, but the directions that I am issuing in my opinion,*

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amount to only granting lesser relief than claimed by the workmen. The management can also have no grievance if it wants industrial peace and is anxious to secure employment to the work-charged employees after the completion of the work. It is accordingly, directed that at the time of completion of the Project or at any other time within six months thereof for the maintenance staff for the Project or any of its Works if it is required to be recruited or transferred from any department of the State Governments or of the Central Government, the offer shall first be made to the work-charged employees in order of their seniority who have put in 10 years' continuous service or more under the Board in that category or trade where the vacancy occurs subject to the medical fitness of such workmen. The scale of wages as applicable to the workmen will not, however, be disturbed to their prejudice nor their continuity of service affected. The workmen have expressed an apprehension that near the completion of the Project trades of some of them might be changed so that it could be said that a suitable workman needed for a particular job was not available and outsider was therefore necessary to be employed. To protect the workmen against this possible denial of their rights it is further directed that category or trade of no workman shall be changed within one year preceding the completion of the Project without his consent in writing and that if any such change without consent is made it will have no consequence inasmuch as such a workman will be entitled to the job of his earlier trade provided the vacancy relates to that trade. As regards those of the workmen cannot be absorbed on the regular maintenance staff. I have no reason to doubt that the State Government who are beneficiaries under the Project and also the Central Government will make every reasonable effort to get them re-employed at any other Project or work whether in any one of these States or in any other part of the country where there is a need for

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workmen of those trades."

33. Though the actual settlement between the Conciliation Officer and the Regional Labour Commissioner (Central), New Delhi, had not been produced before the Labour Court, wherein it is apparent that the termination of the work-charged staff was inevitable. This settlement is binding for a period of three years and provides that preference be given to suitable retrenched employees when filling future vacancies across various departments and projects. Counsel for the B.B.M.B. produced the Settlement dated 28.06.1977. The terms of the settlement read as under:-

> ***"Short Recital of the Case***
>
> *The work on the Beas Project is nearing completion and consequently, a large number of workmen have been rendered surplus, and the management is required to retrench them in a phased manner. Accordingly, retrenchment notices were issued around end March to those who were due to be retrenched. On representation from the affected workmen, it was decided to postpone implementation of the retrenched orders to 30.6.77 in the phase.*
>
> *The Unions of the workmen working in the project have raised certain demands in connection with the proposed retrenchment. At the request of the parties, the demands were taken up in conciliation and discussed at length with the representatives of the union and the management. After protracted discussions the following settlements is arrived at:-*
>
> ***TERMS OF SETTLEMENT***
>
> ***1.*** *It is realised by both the parties that on the completion of the works, the termination of the*

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workcharged staff rendered surplus is inevitable. The Management promised that they would, however, continue their efforts to help the retrenched workmen to get jobs elsewhere both in private and Government undertakings. Management have also assured to request the partner States to give preference to the suitable retrenchees in filling future vacancies in their various Department and Projects.

2. *While the eligible retrenched person will be paid retrenchment compensation as provided in the Industrial Disputes Act, the management agree to extend the benefit of retrechment compnesation even to those persons who are employed in a supervisory capacity and are drawing wages exceeding Rs.500 per mensem, in lieu of terminal benefit.*

3. *While the retrenched persons who are governed by the provisions of the Payment of Gratuity Act, 1972 will be paid gratuity as per provisions of the Act, the management agree as a gesture of goodwill, that an ex-gratia payment will be made to other retrenched persons who are not entitled for gratuity under the Payment of Gratuity Act, 1972.*

(a) *The ex-gratia payment will be equal to half the amount of gratuity which would have been admissible to an employee if he had been covered under the provisions of the Payment of Gratuity Act, 1972.*

(b) *The amount of this ex-gratia payment will be adjusted against the gratuity that may accrue to an employee subsequently either due to the extension of the provisions of the Payment of Gratuity Act, 1972 or as a result of any Court or Tribunal decision or otherwise. Before an employee becomes entitled to this ex-gratia payment, he will have to give a written undertaking in the form enclosed, to that effect.*

(c) *Those workcharged employees who have rendered part service in the factory works and party in non-factory works, will get gratuity for the period* ***(c)*** *of service in factory works as admissible under the Payment of Gratuity Act, 1972.*

For the period of service in non-factory works, they will get ex-gratia payment at half the rate at which gratuity would have been admissible to them if they had been covered under the Payment of Gratuity Act, 1972.

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> ***4.*** *The Management and the Workmen agree to co-operate with each other in maintaining Industrial peace and discipline.*
>
> ***5.*** *This settlement would be applicable to those workmen retrenched, and binding for a period of three years and would continue to be binding on the parties after the expiry of said period of three years, until the expiry of two months from the date on which a notice in writing of an intention to terminate the settlement issued to the is/parties to the settlement."*

34. A perusal of the same would go on to show that the workmen as such are entitled for preferential employment in terms of the provisions of Section 25H of 'the Act of 1947' and the Industrial Disputes (Central) Rules, 1957, which reads as under under:-

> ***"25H. Re-employment of retrenched workmen.-****Where any workmen are retrenched, and the employer proposes to take into his employ any persons, he shall, in such manner as may be prescribed, give an opportunity [1][to the retrenched workmen who are citizens of India to offer themselves for re-employment, and such retrenched workmen] who offer themselves for re-employment shall have preference over other persons.*
>
> ***Rules:-***
>
> ***77. Maintenance of seniority list of workmen.-*** *The employer shall prepare a list of all workmen in the particular category from which retrenchment is contemplated to be arranged according to the seniority of their service in that category and cause a copy thereof to be pasted on a notice board in a conspicuous place in the premises of the industrial establishment at least seven days before the actual date of retrenchment.*
>
> ***78. Re-employment of retrenched workmen. –*** *(1) At least ten days before the date on which vacancies are to be filled, the employer shall*

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arrange for the display on a notice board in a conspicuous place in the premises of the industrial establishment details of those vacancies and shall also give intimation of those vacancies by registered post to every one of all the retrenched workmen eligible to be considered therefor, to the address given by him at the time of retrenchment or at any time thereafter:

Provided that where the number of such vacancies is less than the number of retrenched workmen, it shall be sufficient if intimation is given by the employer individually to the senior-most retrenched workmen in the list referred to in rule 77 the number of such senior-most workmen being double the number of such vacancies:

Provided further that where the vacancy is of a duration of less than one month there shall be no obligation on the employer to send intimation of such vacancy to individual retrenched workmen:

Provided also that if a retrenched workman, without sufficient cause being shown in writing to the employer, does not offer himself for re-employment on the date or dates specified in the intimation sent to him by the employer under this sub-rule, the employer may not intimate to him the vacancies that may be filled on any subsequent occasion.

(2) Immediately after complying with the provisions of sub-rule (1), the employer shall also inform the trade unions connected with the industrial establishment, of the number of vacancies to be filled and names of the retrenched workmen to whom intimation has been sent under that sub-rule:

Provided that the provisions of this sub-rule need not be complied with by the employer in any case where an intimation is sent to every one of the workmen mentioned in the list prepared under rule 77."

35. The judgment in question in the ***Jaswant Singh's case*** *(supra)* also notes the provisions of 'the Act, 1966' and the fact that the proviso to Rule 79(4) provides that every person who, immediately before the constitution of the said Board, was

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engaged in the construction, maintenance, or operation of the works in sub-section (1) shall continue to be employed under the Board in connection with the said works on the same terms and conditions of service. Sections 79(1) and (4) of 'the Act, 1966' read as under:-

> *"**79. Bhakra Management Board-**(1) The Central Government shall constitute a Board to be called the Bhakra Management Board for the administration, maintenance and operation of the following works namely:-*
>
> *(a) Bhakra Dam and Reservoir and work appurtenant thereto;*
>
> *(b) Nangal Dam and Nangal-Hydel Channel up to Kotla Power House;*
>
> *(c) the irrigation headworks at Rupar, Harike and Ferozepur;*
>
> *(d) Bhakra Power Houses:*
> *Provided that the administration, maintenance and operation by the said Board of the generating unit of the Right Bank Power House as have not been commissioned shall commence as and when any such unit has been commissioned;*
>
> *(e) Ganguwal and Kotla Power Houses;*
>
> *(f) Sub-stations at Ganguwal, Ambala, Panipat, Delhi, Ludhiana, Sanfrul and Hissar and the main 220KV transmission lines connecting the said sub-stations with the power stations specified in clauses (d) and (e);*
> *and*
> *(g) such other works as the Central Government may, by notification in the Official Gazette, specify.*
>
> *(2) to (3) x x x x x x x x x*

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> *(4) The Bhakra Management Board may employ such staff as it may consider necessary for the efficient discharge of its functions under this Act:*
>
> *Provided that every person who immediately before the constitution of the said Board was engaged in the construction, maintenance or operation of the works in sub-section (1) shall continue to be so employed under the Board in connection with the said works on the same terms and conditions of service as were applicable to him before such constitution until the Central Government by order directs otherwise:*
>
> *Provided further that the said Board may at any time in consultation with State Government or the Electricity Board concerned and with the previous approval of the Central Government return any such person for service under that Government or Board."*

36. In such circumstances, it does not lie in the mouth of the petitioners-Board to submit that they had no relationship, rights, or obligations to re-employ the persons whose services were dispensed with, and who had worked with the Board or its predecessor. The mere reconstitution and renaming of the Board would not take away the rights of the workmen, keeping in mind the true intent of the parties.

37. It is important to note that the then Prime Minister, Pandit Jawaharlal Nehru, had appreciated the individuals who gave their sweat and blood for the construction of the projects on the Beas, whether through the 'Beas Control Board', the 'Beas Construction Board', and later named the 'Bhakra Management Board' and subsequently the 'Bhakra Beas Management Board'.

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The wording of the then Prime Minister, Pandit Jawaharlal Nehru, on the plaque at the Bhakra Dam, Nangal reads as under:-

> *"TO HELL WITH THE MAN WHO CANNOT WALK FAST. IT SERVES HIM RIGHT IF HE GETS OUT OF THE RANKS AND FALLS OUT. WE WANT NO SLUGGARDS. WE WANT NO SLOW PEOPLE WHO ALWAYS COMPLAINT ABOUT THEIR SERVICE CONDITIONS AND THEIR TRANSFERS AND SO ON……..SERVICE CONDITIONS AND SALARY AND STATUS MAY BE IMPORTANT. BUT I WANT WORK AND WORK AND WORK……..I WANT ACHIEVEMENT. I WANT MEN WHO WORK AS CRUSADERS. I WANT MEN WHO ARE GOING TO FIGHT FOR WHAT THEY THINK IS RIGHT AND NOT SUBMIT HUMBLY TO WRONG. I WANT YOU TO DO BIG THINGS. I WANT YOU TO-BUILD UP INDIA. CAN YOU CONCEIVE OF A BIGGER THING THAN TO BUILD UP THIS IMMENSE COUNTRY OF OURS?"*

38. In such circumstances, it does not lie in the mouth of the petitioners-Board to wash off its hands of its legal and statutory responsibilities towards the workmen, who have put in years of undisputed service. It is noted that there was no dispute that mandatory provisions were not adhered to regarding the reduction of work, the issuance of the requisite notice, and the recall of the petitioners as specifically pleaded by them. Furthermore, the Board cannot rely on changed terms and conditions, over-age status, or newly prescribed qualifications to deny them their appointments. The relevant part of the affidavit in the affirmative filed by the workman reads as under:-

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"b. Employer is further resorting to unfair labor. Practices defined in Section 2 (R) A of the I.D. Act, 1947. Defeated the provisions of sec. 25H of the Act and Rule 77 and 78 of the rules avid:- in the following manner-

1) *The employer management has filed various posts falling vacant on the superannuation of various workmen.*

2) *By imposing an age limit of 45 for re-employment of the retrenched deponent establishment although the deponent is entitled to be re-employed their age of superannuation.*

3) *By prescribing additional qualification and merits equal to the fresh hand for the re-employment of retrenched deponent and which did not exist at the time of their initial appointments although the petitioner are entitled to be re-employed on the same merit they were first employed.*

4) *1122 employees engaged on the establishment of the employer management from Ranjeet Sagar Dam Project in July 1993*
5) *By filling vacant posts by daily wagers of the employer declare some post as surplus; retrenches the employees working those posts; subsequently creates posts on daily wages to man such posts and recruits persons of their choice thus circumventing the whole law.*

6) *By making promotion from lower cadre to vacancies which u/c 25H is to be filled by the retrenched workman.*

7) *By filling of vacant post from open competition from numerous employment exchanges, daily wagers, and ward of B.B.M.B. employees or from other categories.*

8) *That there after the general retrenchment of the workman in 1977-78 and there after 1984 the employer took in to his employee hundreds of fresh hands without giving opportunity and*

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intimation to the workman who were eligible therefore in term of sec 25H of Act and rule 78 as employer ignored the Act, as if no such Act is in the statute book."

39. The cross-examination of the Sub-Divisional Officer (Personnel Sub-Division, BBMB Sundernagar, Mandi District, Himachal Pradesh) makes for interesting reading given the stand and admissions of the petitioners-Board. The relevant portion reads as under:-

"7. That the appointments in BBMB of class III and IV were/are made according to requirement after following the procedure laid down in this behalf. It is pertinent to submit here that after 1994 all the appointments are being made strictly in accordance with the Class III & IV (Recruitment and Conditions of Service) Regulations, 1994. The BBMB is/was not under obligation to re-employ the petitioner under the provision of I.D. Act, 1947 as he was never retrenched by the BBMB. However, he was free to compete in the interview/trade test after complying with the requisite requirement as and when vacancies are/were advertised.

Statement of Sub-Divisional Officer.

I am posted at Sunder Nagar as Sub-Divisional Officer since November 2002 on deputation. It is correct that work of BBMB was initially sponsored in the name of Beas Control Board. After that, the Punjab Re-Organization Act, 1966 came into existence and Beas Construction Board was constituted for construction. After the construction of the project it has to be handed over to the BMB for operation and maintenance which is re-designated as BBMB. Workman remained an employee of BCB. It is incorrect that BCB, BMB eliminated in the BBMB. It is wrong to say that BCB and BMB were two common boards run by the Central Government. It is correct that workman was employed in BCB. It is incorrect that at the time of retrenchment management has

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issued reinstatement card to the workman. It is wrong to say that at the time of retrenchment management has assured the workman that he will be re-employed at the availability of work. It is correct that further appointment was given as per the provision of BBMB Service and Recruitment Rules, 1994. There was no obligation on the part of the management to call the workman for any job. As per By-Laws, it was his duty to apply and participate in selection as per advertisement from time to time. It is wrong to suggest that workman approached before the management for his reinstatement form time to time. It is correct that Drivers, Beldars, Carpenters, Fitters, Electricians, Masons and Pump Operators are employed from time to time as per the provision of BBMB Service and Recruitment Rules, 1994. It is wrong to say that claim of workman is knowingly denied by the management. It is incorrect to suggest that I am deposing falsely."

40. Thus, from the above, it is apparent that the specific case of the petitioners-Board itself is that it had no obligation to recall the workmen for any job, arguing instead that it was the duty of the workmen to apply and participate in the selection process. This argument contradicts the specific Rule, which provides that seniority must be maintained by placing it on the notice board, and that when vacancies are to be filled up, intimation must also be given by registered post to every retrenched workman eligible to be considered, which was not done.

41. The reasoning arrived at by the Labour Court, whereby compensation was directed to be paid, cannot be faulted in any manner on account of the violation of the mandatory

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provision. Accordingly, the findings recorded that they were employees of the petitioners-Board on account of the statutory provision and had wrongly been denied re-employment, in view of which compensation was directed keeping their years of service in mind and cannot be faulted. The claim of the workmen asking for an enhancement of the amounts cannot be granted in the absence of any cross-writ petitions having been filed or the Awards having been challenged.

42. Therefore, the judgment of the Apex Court in ***Vice-Chancellor, Lucknow University, Lucknow, Uttar Pradesh Vs. Akhilesh Kumar Khare and Another (2016) 1 SCC 521*** would be of no help; which was a case where the High Court's order was modified to award compensation of Rs.4,00,000/- to each workmen on account of the fact that the workmen were casual workers with no vested rights and on account of having been in employment twenty years back.

43. The limitation of the Writ Court has been noticed by the Apex Court in ***Syed Yakoob vs K.S. Radhakrishnan & Others AIR 1964 SC 477*** and the said view was followed in ***P.G.I. of Medical Education and Research, Chandigarh v. Raj Kumar 2001 (2) SCC 54,*** holding that perversity in the award would constitute a ground for interference.

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44. The Apex Court in ***Overseas Bank v. I.O.B. Staff Canteen Workers Union & Anr 2000 (4) SCC 245*** has held that a finding of fact recorded by the Tribunal would not be liable to be interferred while exercising writ jurisdiction and the objectivity of approach adopted and reasonableness of findings recorded, were found to be unexceptionable.

45. In ***Surya Dev Rai vs. Ram Chander Rai and Others* 2003 (6) SCC 675,** the powers of supervision under Article 227 of the Constitution of India were the subject matter of considertion and it was held that writ of certiorari is amenable to correct errors of fact and law, if the errors are manifest and are based on clear ignorance or disregard of the provisions of law.

46. In ***Management of Madurantakam Co-operative Sugar Mills Ltd. v. S. Viswanathan 2005 (3) SCC 193,*** it was held by the Apex Court that if the finding of the Labour Court is preverse, being based on no evidence or on evidence which is not legally acceptable, the Writ Court would interfere and, therefore, the orders of the Single Judge and the Division Bench of the High Court were modified and were accordingly upheld.

47. In ***Shalini Shyam Shetty and Another Vs. Rajendra Shankar Patil (2010) 8 SCC 329,*** the said principles were re-iterated.

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48. In ***Ishwarlal Mohanlal Thakkar v. Paschim Gujarat Vij Company Ltd. and Another 2014 (6) SCC 434,*** the award of the Labour Court which had been set aside, was restored and the dispute was pertained to the date of birth between a birth certificate issued by the competent authority and a school leaving certificate, as to which document would prevail by holding that the Labour Court had not committed any error of jurisdiction, but had satisfactorily exercised its original jurisdiction and properly appreciated the facts and legal evidence on record.

49. Keeping in view the above discussion, this Court is of the considered opinion that there is no scope for interference in the well-reasoned Awards dated 15.07.2024, 18.07.2024 and 19.07.2024 **(Annexure(s) P-1),** passed by the Presiding Officer, Central Government Industrial Tribunal-cum-Labour Court, Chandigarh, especially, keeping in view the settled law that under Articles 226 and 227 of the Constitution of India and in the absence of any patent illegality, the writ Court will not sit as a Court of Appeal.

50. The amount deposited by the Board in favour of the workmen, in view of the earlier orders will be disbursed to them, on furnishing their bank account numbers to the Registrar (Judicial) of this Court, through their counsel.

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51. Resultantly, the present petition(s) stand dismissed and disposed off accordingly. Pending miscellaneous application(s), if any, shall also stand disposed off.

(G.S. Sandhawalia)
Chief Justice

(Bipin Chander Negi)
Judge

6th November, 2026
(Munish Thakur)

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