

IN THE COURT OF PUNJAB AND HARYANA HIGH COURT AT CHANDIGARH

CWP No.2249 of 1994 (O&M)

Date of Decision: 19.02.2015

Thana Singh

...Petitioner

Vs.

Punjab State Electricity Board Patiala and others

..Respondents.

Present:- Mr. Prateek Mahajan, Advocate for the petitioner.

None for the respondents.

MAHESH GROVER, J. (ORAL)

The petitioner was appointed as a daily wager in the Punjab State Electricity Board on 10.3.1988. His services were terminated on 1.1.1990.

The petitioner claimed reference under the Provisions of the Industrial Disputes Act and the State Government referred the following question for determination to the Labour Court.

“Whether termination of services of the workman is justified and in order? If not, to what relief/exact amount of compensation is he entitled to?”

The Tribunal concluded on the basis of material before it that the provisions of Section 25F of the Industrial Disputes Act (for short 'the Act') were not complied with but instead of granting reinstatement to the petitioner, granted compensation of ₹2079/- to conclude the process.

Learned counsel for the petitioner contends that once it has been established that the provisions of Section 25F of the Act were violated, he should have been reinstated in service considering the fact that merely one year had passed since his employment. Even otherwise, it is contended that the compensation awarded is too meagre.

Before this, it is stated that there was violation of Section 25G of the Industrial Disputes Act as juniors to the petitioner were retained.

There is no representation on behalf of the respondents.

I have heard learned counsel for the petitioner and perused the material on record.

The impugned award is silent insofar as exploratory exercise on the question of reinstatement is concerned, neither does it adequately address the issue of compensation and as to why such a mode was preferred to discard the relief of reinstatement.

It is always incumbent upon a Labour Court to explore these facets while determining the issue of relief once violation of the provisions of law have been established. The Court, therefore, fell in grave error in ignoring these issues of all together.

It has been brought to the notice of the Court that the petitioner has been re-employed in the year 1992, therefore, the question of reinstatement now fades into insignificance leaving just one question of grant of adequate compensation, alive.

Noticing the fact that the petitioner had worked for a period of only one year when his services were terminated, I would deem it appropriate to dispose of the instant petition by granting him compensation of ₹50,000/- and the same be paid to the petitioner within a period of four

weeks from the date of receipt of certified copy of this order.

The petition is disposed of accordingly.

19.02.2015
Meenu

(Mahesh Grover)
Judge