

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP No. 8441 of 1993 (O&M)

Date of Decision: 11.02.2015.

Baljit Singh

--Petitioner

Versus

The Presiding Officer & others

--Respondents

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. M.K. Nagar, Advocate for the petitioner.

Mr. Ravi Pratap Singh, A.A.G., Haryana.

TEJINDER SINGH DHINDSA.J

Challenge in the instant writ petition is to the award dated 14.12.1992, passed by the Presiding Officer, Labour Court, Amabala at Annexure P-8, whereby while answering the reference, the petitioner-workman has been held entitled to a lump sum compensation of Rs.25,000/- and the relief of reinstatement has been denied.

Learned counsel for the parties have been heard at length.

The uncontroverted facts that emerge from the pleadings on record are that the petitioner had served as a Chowkidar on daily wage basis for the period 4.11.1986 to 4.8.1988. A finding of fact has been recorded by the Labour Court as regards non-compliance of Section 25-F of the Industrial Disputes Act as at the stage of termination no notice or wages in lieu of notice period or retrenchment compensation, had been paid to the petitioner. Such finding is based on due appreciation of evidence adduced on record and in any case the management having not set up a challenge to the award, this Court would proceed by taking such finding to be well founded.

Even though, learned counsel appearing for the petitioner would contend that there has been a violation of Section 25-H of the Act also but such submission is found without merit. In the impugned award it has been noticed that Ishwar Singh was appointed as Chowkidar and the services of the workman-petitioner had been dispensed with when afore-noticed Ishwar Singh had reported for duty. Be that as it may, learned counsel for the petitioner himself concedes that the appointment of Ishwar Singh on the post of Chowkidar was on a regular basis and not on daily wage basis.

Under such circumstances, the only question that arises for consideration in this writ petition is as to whether the petitioner-workman having served on a daily wage basis for a period of less than 2 years and his termination having been found to be in derogation of Section 25-F of the Act, as to whether he would be entitled to the relief of reinstatement?

Precisely, such question has come up for consideration before the Hon'ble Apex Court in recent judgements in *Assistant Engineer, Rajasthan Development Corporation & another Vs. Gitam Singh, 2013 (2) S.C.T 30* and *B.S.N.L. Vs. Bhurumal, 2014 (3) S.C.T. 49*, wherein it has been held that in case of a daily wager, who had worked over a short span of time and whose services had been dispensed with in violation of Section 25-F of the Act, the appropriate relief would be grant of lump sum compensation as opposed to reinstatement.

Following the dictum laid down by the Hon'ble Apex Court in cases of *Gitam Singh* and *Bhurumal* (*supra*), this Court does not find any infirmity in the discretion exercised by the Labour Court, whereby a lump sum compensation of Rs.25,000/- was awarded to the petitioner way back in the year 1992 as opposed to reinstatement.

No interference is called for. Writ petition is, accordingly, dismissed.

(TEJINDER SINGH DHINDSA)
JUDGE

February 11, 2015.
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