

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
201

CWP No.12112 of 2010

Date of Decision:27.05.2015

Bahadur Singh

.....Petitioner

Versus

Punjab School Education Board & another

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL.

**Present: Mr.Aditya Kochar, Advocate,
for Mr.Ashwani Talwar, Advocate,
for the petitioner.**

**Mr.S.S.Behl, Advocate,
for respondent No.1.**

- 1. Whether reporters of local papers may be allowed to see the judgment ?**
- 2. To be referred to the reporters or not?**
- 3. Whether the judgment should be reported in the digest?**

AMIT RAWAL, J.(oral)

The challenge in this writ petition is to the award dated 08.03.2010(Annexure P-1), whereby, the reference has been decided in favour of the petitioner. But instead of ordering his reinstatement with full back-wages, a compensation of ₹20,000/- has been awarded by the Labour Court.

Mr.Aditya Kochar, Advocate, appearing on behalf of the petitioner submits that the petitioner was appointed as a Restorer on 26.04.1993 and his services were allegedly terminated on 20.02.1998. He has served with the Management for a period of five years. The Labour Court has recorded a finding of fact that there is violation of Section 25-F

of the Industrial Disputes Act, 1947(in short “the Act”), so, the petitioner cannot be reinstated with full back-wages and awarded a compensation of ₹20,000/-. He further submits that the amount of compensation would be enhanced to ₹5 lacs, in view of the dictum laid down by Hon'ble the Supreme Court in case **Bharat Sanchar Nigam Limited Versus Man Singh, 2012(1) SCT 641.**

Mr.S.S.Behl, Advocate, appearing on behalf of respondent No.1-Management submits that the impugned order of the Labour Court is fair, legal and justified and there is no illegality, much less perversity in it and the petitioner is not entitled to the enhanced compensation.

I have heard learned counsel for the parties and appraised the paper book and as well as the case law cited at bar.

The Labour Court while arriving at a finding of fact has observed that there was violation of Section 25-F of the Act, but yet has awarded a compensation of ₹20,000/- vide impugned order dated 08.03.2010(Annexure P-1), the operative part of which reads thus:-

“It is not disputed during arguments that workman completed more than 240 days of service in the last preceding year, immediately before the date of his termination. It is evident that neither notice pay nor retrenchment compensation was paid to the workman by the respondent board, when his services were terminated. So, it is evident that the services of workman were terminated by the respondent board in violation of the provisions of Section 25-F of the Industrial Disputes Act. This Court has already held that workman cannot be reinstated in this case. So, the only option left with this court is to award him compensation, in lieu of the order of reinstatement. In this context, reference be made to Haryana State Electronics Development Corporation Limited Versus Mamni, 2006 (2) LLJ page 744(SC). In the case in hand, the services of workman were terminated in 1998 and this reference remained pending for

about 10 years. In these circumstances, interest of justice shall be sub-served if compensation worth ₹20,000/- is directed to be paid to the workman by the respondent board. Accordingly, both these issues are disposed of in favour of the workman while holding that workman Bahadur Singh is entitled to get compensation worth ₹20,000/- from the respondent board in place of order of reinstatement with full back-wages.”

Since, the workman has asked for enhancement of compensation on the ground that the amount of compensation awarded by the Labour Court is too paltry/meagre, particularly when, the petitioner has rendered service of five years with the Management, so, the award of the Labour Court is modified and the amount of compensation of Rs.20,000/- is enhanced to ₹2,50,000/-. The Management is directed to pay a compensation of ₹2,50,000/- to the petitioner within a period of three months from the date of receipt of certified copy of this order, failing which, it shall entail interest @ 12% per annum.

The writ petition stands disposed of accordingly.

May 27, 2015
seema

(AMIT RAWAL)
JUDGE