

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Writ Petition No.1102 of 2012

Date of Decision: March 10, 2015

Ram Kishan

...Petitioner

Versus

State of Haryana & others

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL, JUDGE

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?

Present: Ms.Garima Sharma, Advocate,
for the petitioner.

Mr.Gagandeep S. Wasu, Addl.A.G.Haryana,
for the State.

AMIT RAWAL, J. (Oral)

The petitioner has approached this Court challenging the award dated 12.9.2011 (Annexure P-1), whereby the Labour Court instead of order his reinstatement and granting back wages, directed the respondent-Management to pay the compensation of ₹15,000/- as the services of the petitioner were found to have been terminated in violation of provisions of Section 25-F of the Industrial Disputes Act (for short “the Act”).

Admittedly, the petitioner had worked as Water Carrier w.e.f. 4.7.2000 till 8.9.2002 on part time basis.

The proposition of law in awarding the compensation is no longer *Res Integra* in view of the law laid down by the Full Bench of this Court in **Municipal Council, Dina Nagar, Tehsil & Distt.Gurdaspur v.**

Presiding Officer, Labour Court, Gurdaspur and another, 2014(4)

S.C.T. 514.

Since the workman has worked for a period of two years despite the fact that his services were terminated on account of violation of provisions of Section 25-F of the Act and the petitioner was not given any compensation while retrenching his services, he would be entitled to compensation.

Now the only question, which is to be pondered upon this Court is as to whether the amount of compensation of ₹15,000/- is reasonable and just or not.

Nothing has come on record for consideration of this Court as to whether during the integrum, i.e., after the passing of the award till the date, the petitioner had been gainfully employed or not. In case the petitioner had not been gainfully employed and furnishes his affidavit along with supporting documents, this Court deem it appropriate that the compensation of ₹15,000/- be enhanced to ₹30,000/-.

with the aforementioned observations, the present writ petition is disposed of.

However, it is made clear that the petitioner would be entitled to increase of ₹15,000/- in compensation in case he files the affidavit with the respondent-authorities indicating that he had not been gainfully employed during this period.

March 10, 2015
ramesh

(AMIT RAWAL)
JUDGE