

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

Civil Writ Petition No.11076 of 2012 (O&M)

Date of decision: 22.01.2015

Fahim Ahmed

... Petitioner

Versus

The Presiding Officer and another

... Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr.Amardeep Hooda, Advocate,
for the petitioner.

Mr.Rajesh Garg, Sr. Advocate with
Ms.Nimrata Shergill, Advocate,
for respondent No.2.

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RAJIV NARAIN RAINA, J.

Heard Mr.Amardeep Hooda, Advocate for the petitioner and
Mr.Rajesh Garg, learned senior counsel for the management.

The Labour Court has partially allowed reference No.665 of
2000 in favour of the petitioner and against the management. The claim for
reinstatement has been declined. The service rendered by the petitioner with
the respondent management was from 19th September, 1994 to 27th July,
1998. It is not disputed that Section 25-F of the Industrial Disputes Act,
1947 was not complied with or that last salary drawn was ₹2540/- per
month. The petitioner worked as a technician. The Labour Court has

awarded ₹ 40,000/- as compensation in lieu of reinstatement to be paid within three months from the date of the award, i.e., 5th January, 2012, failing which, interest would accrue against the management @ 9 percent per annum on the amount till the date of payment. The management has not assailed the award before this Court and the same has attained finality qua it.

Both the parties have restricted the contest to the amount of compensation payable. The workman says it is less while the management pleads it is adequate. Reinstatement has been ruled out after hearing both the sides and the examination is only with respect to the compensation amount which may be just and proper. Recently, in **LPA No.754 of 2010, *Municipal Council, Dina Nagar v. Presiding Officer, Labour Court, Gurdaspur and another*** and 9 connected Letters Patent Appeals delivered on 29th November, 2014, the Division Bench of this Court has awarded compensation for retrenchment to Pump-Operators/peons/Class-IV at ₹ 1 lac per year of service rendered, in the fact situation of redundancy due to rationalization of labour force by the Council. Going by that broad rule, the compensation in this case is awardable at ₹ 1 lac per year of service spent. Calculated in this way, the petitioner would be entitled to ₹ 4 lacs as compensation. Since relief has been moulded as thought just, proper and fair, the direction of paying interest @ 9 percent per annum from 5th January, 2012 shall stand deleted due to lump sum compensation being awarded. The direction deleted would, however, be replaced with a similar direction to count interest @ 9 percent on failure to pay the present amount of compensation awarded within 2 months from the date of receipt of a copy of this order. The management would be at liberty to satisfy this order by a

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draft in favour of the petitioner paid before the expiry of 2 months directly to the workman and proof of such payment placed on the record of this case through a miscellaneous application or before the Labour Court.

Disposed of.

(RAJIV NARAIN RAINA)
JUDGE

January 22, 2015
Paritosh Kumar