

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

**CWP No.10321 of 2013
Date of decision: 04.08.2015**

Jarnail Singh ... Petitioner
Vs.

Presiding Officer and another ... Respondents

CWP No.10369 of 2013

Sardara Singh ... Petitioner
Vs.

Presiding Officer and another ... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

1. Whether reporters of local newspapers may be allowed to see judgment?
2. To be referred to reporters or not?
3. Whether the judgment should be reported in the Digest?

Present:- Mr. Raj Kaushik, Advocate
for the petitioner.

Mr. D.S.Nalwa, Advocate
for respondent No.2.

AMIT RAWAL J. (Oral)

This order of mine shall dispose of two writ petitions, i.e., CWP Nos.10321 and 10369 of 2013, as common question of fact and law are involved in both the writ petitions.

The present writ petitions have been filed at the instance of the workmen, who are stated to have been employed as Drivers with respondent No.2. It has been alleged that they served the

school for a period of 07 years and the Management without resorting to the provisions of Section 25-F of the Industrial Disputes Act, 1947 (hereinafter referred to as 'the I.D.Act') terminated the services and therefore, the Award of the Labour Court in awarding compensation of ₹ 70,000/- only is not justified. The workmen should have been reinstated along with continuity of service and full back wages.

Mr. D.S.Nalwa, learned counsel appearing on behalf of respondent No.2, submits that since number of students was reduced, accordingly, strength of drivers has also been reduced and thus, the services of the petitioners-workmen have been dispensed with. On going through the finding of the Labour Court, it is evident that Management did not comply with the provisions of Section 25-F of the I.D.Act. He further submits that even if there is any violation of Section 25-F of the I.D.Act, reinstatement would not be an automatic right and only remedy would be compensation which has rightly been awarded by the Labour Court.

I have heard learned counsel for the parties and appraised the paper book.

There is no dispute to the fact that the Management is not in need of workmen owing to the reduction of strength of the students. It is also a matter of record that workmen were gainfully employed during the period they remained out of job, as they were plying buses of other schools. In my view, though the workmen have

rendered service for a period of 07 years, amount of compensation of ₹ 70,000/- awarded by the Labour Court is too paltry and meagre. It is now well settled that even if the Labour Court has admitted that Management has not resorted to the provisions of Section 25-F of the I.D.Act, reinstatement would not be an automatic right, availability of post, as well as, of the work has also to be considered.

Keeping in view the aforementioned facts and circumstances of the present case, I modify the Award of the Labour Court and accordingly, compensation of ₹ 70,000/- is enhanced to ₹1,00,000/- each in both cases in respect of both workmen. The Management is directed to pay aforementioned enhanced compensation to the workmen within a period of two months from the date of receipt of certified copy of this order, failing which, it shall entail interest @ 12% per annum.

Writ petitions stand disposed of.

(AMIT RAWAL)
JUDGE

August 04, 2015
savita