

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH
CWP No. 10333 of 2013
Date of Decision: May 5, 2015

Parmod Kumar

..... Petitioner

Versus

Industrial Tribunal-cum-Labour Court and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Anil Rathee, Advocate
for the petitioner.

Mr. Roopak Bansal, Advocate
for respondent Nos. 2 and 3.

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 the present writ petition is to the award dated 7.1.2013 (Annexure P-12) whereby the Labour Court has awarded a compensation of ₹30,000/- to be paid within a period of two months failing which it shall entail 12% interest per annum.

Mr. Anil Rathee, learned counsel appearing on behalf of the petitioner contends that once there is a finding by the Labour court that there is violation of Section 25-F of the Industrial Disputes Act, 1947 the Labour Court ought to have ordered reinstatement and full back wages.

Mr. Roopak Bansal, learned counsel appearing on behalf of respondent Nos. 2 and 3 contends that since the workman had only worked for a period of three years and he was working in the STD Booth run by the NGO which has been constituted for the

welfare activity of the families of the Airforce and therefore awarded a compensation of ₹30,000/-.

I have heard learned counsel appearing on behalf of the parties, and perused the paper book.

It is conceded position that the workman while raising demand notice in the claim petition did not aver a single word that he was not gainfully employed during the period he remained out of service. It is a matter of record that the petitioner had worked only for a period of three years and the Labour Court while discussing the evidence found that there was a violation of provisions of Section 25-F of the Industrial Disputes Act, 1947.

Keeping in view that the petitioner had worked for three years the Labour Court ordered for an amount of ₹30,000/- as compensation, which according to me, is not sufficient but is very a meager amount as per the principles laid down in the judgment of the Full Bench rendered by this Court in **Municipal Council, Dina Nagar Vs. Presiding Officer, Labour Court 2014 (4) SCT 514.**

I do not agree with the contention of Mr. Anil Rathee learned counsel for the petitioner for ordering back wages as there is no averment either in the demand notice or claim petition that the petitioner was not gainfully employed, therefore an adverse inference is liable to be against the workman.

In view of the observations made above, I deem it appropriate to modify the award and enhance the amount of compensation from ₹30,000/- to ₹80,000/-. The Management shall pay the amount of compensation within a period of two months from

the date of receipt of copy of the order, failing which it shall entail interest of 12% per annum.

Accordingly, the writ petition is disposed of.

(AMIT RAWAL)
JUDGE

May 5, 2015
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