

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP no.10393 of 2013 (O&M)

Date of Decision : 30.01.2015

Sunder

....Petitioner

Versus

Presiding Officer, Industrial Tribunal cum Labour Court, Chandigarh and
another

...Respondents

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER

- 1)Whether reporters of local newspapers 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 : Mr.H.S.Hundal, Advocate for the petitioner

Mr. Harkesh Manuja, Addl. AG, Punjab

MAHESH GROVER, J.

The petitioner impugns the award dated 10.10.2008. He alongwith other employees faced termination of his services leading to each one of them claiming a reference which was forwarded to the Labour Court for determination. The following question was the object of the reference:-

“Whether the services of Shri Sunder S/o Shri Simru Ram, R/o House No. 2955, Baskar Colony, Sector 25, Chandigarh were terminated illegally by the Director, Technical and Industrial Training, Chandigarh, if so to what effect and to what relief he is entitled to, if any?”

During the course of proceedings, the Labour Court framed several issues and after a perusal of the evidence led by the parties concluded in the case of the petitioner that he was entitled only to Rs.10,000/- as compensation even though the termination order was illegal

and passed without compliance of the provisions of the Industrial Disputes Act. It is not in dispute that the petitioner worked from 1997 to 2001.

The grievance of the petitioner centres around the fact that other employees who faced termination orders similarly and on the same date and who preferred similar references were granted the benefit of reinstatement alongwith 20% back wages which for no ostensible reason has been declined to the petitioner. It is further the case of the petitioner that a civil writ petition challenging the award in favour of the co-employees bearing CWP no. 8371 of 2012 was dismissed in limine and the award of the Tribunal upheld implying thereby that the workmen who were respondents in the said writ petition continued to work with the benefit of 20% back wages in their favour. As many as 4 writ petitions were decided the number of which are noticed for reference:-

Sr. No.	Case no.	Title
1.	CWP 8371/2012	The Director, Technical Education and Industrial Training, Punjab Vs. The Presiding Officer, Industrial and Labour Court, UT, Chd. And anr.
2.	CWP 8373/2012	The Director, Technical Education and Industrial Training, Punjab Vs. The Presiding Officer, Industrial and Labour Court, UT, Chd. And anr.
3.	CWP 8410/2012	The Director, Technical Education and Industrial Training, Punjab Vs. The Presiding Officer, Industrial and Labour Court, UT, Chd. And anr.
4.	CWP 8429/2012	The Director, Technical Education and Industrial Training, Punjab Vs. The Presiding Officer, Industrial and Labour Court, UT, Chd. And anr.

The petitioner thus seeks parity with his co-employees.

Upon hearing learned counsel for the parties and noticing the admitted fact that the services of the petitioner alongwith four others were terminated on the same date by the similar termination orders leading to similar but separate references, I am of the considered view that the Presiding Officer, Labour Court committed an error in granting a

differential treatment to the petitioner, particularly, when the award was passed by the same Court and without affording any distinguishing feature to deny the petitioner relief which was granted to his co-employees. Besides this award in favour of the co-employees has been upheld by this Court. Upon evaluation of the material before me, I have not been able to find any distinguishing feature between the case of the petitioner and that of his co-employees and thus in all fairness I would hold that the petitioner would also be entitled to a similar benefit as that awarded to his co-employees. This Court would be bound by the reasoning given by this Court while upholding the award in favour of the co-employees. Hence, instant petition is accepted and the workman-petitioner is directed to be reinstated in service with 20% back wages.

January 30, 2015
rekha

(MAHESH GROVER)
JUDGE