

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CWP No. 1661 of 2011(O&M)
Date of decision: April 20, 2015

Balkaran Singh

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Inderjit Sharma, Advocate
for the petitioner.

Mr. K.B. Raheja, Advocate
for respondent.

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 petitioner has challenged the award dated 9.11.2010 (Annexure P-6) vide which reference qua alleged termination of the petitioner has been rejected on the premise that the workman has not rendered the service of 240 days.

This Court vide order dated 25.11.2014 directed the Mr. K. B. Raheja, learned counsel for respondent Nos.2 to 5 to seek instructions from the Corporation for grant of compensation in lieu of the reinstatement.

Mr. K. B. Raheja, learned counsel for respondent

Nos.2 to 5 on instructions from his clients submitted that his clients are still willing to pay ₹20,000/- as compensation.

Learned counsel for the petitioner contends that during the pendency of the matter before the Labour Court an application to summon the record from the Management had been moved. The Management did not bring the record therefore an adverse inference is liable to be drawn against the Management, therefore the award is vitiated in law.

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

As per finding of the Labour Court, it is a matter of record that the petitioner has worked only for a period of 143 whereas the contention of the petitioner is that he has worked for more than 240 days as per record. Though the workman had sought the indulgence of the Labour Court to summon the record to show and prove that he worked for more than 240 days, was not produced, much less withheld for the reasons best known, but the fact remains even if it is assumed that petitioner had worked for more than 240 days the petitioner would not be entitled to reinstatement and back wages. In view of the principles culled out 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** this Court is of the view that in order to defray the reinstatement with continuity in service and back wages, a consolidated amount of ₹50,000/- would be fair and just to compensate the petitioner for the alleged termination.

With the aforementioned directions the award of the Labour Court is modified. The respondents are directed to pay a compensation of ₹50,000/- to the petitioner within a period of three months from the date of receipt of copy of this order, failing which it shall bear interest at the rate of 9% per annum.

The writ petition is disposed of accordingly.

(AMIT RAWAL)
JUDGE

April 20, 2015
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