

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

**CWP No.16645 of 2011 (O&M)
Date of decision: 07.05.2015**

Rajesh Kumar

... Petitioner

Vs.

State of Haryana and others

... 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:- Ms. Garima Sharma, Advocate
for the petitioner.

Mr. Hitesh Pandit, Additional Advocate General, Haryana.

AMIT RAWAL J. (Oral)

Challenge in the present writ petition is to the Award dated 28.12.2010 (Annexure P-1) passed by the Presiding Officer, Industrial Tribunal-cum-Labour Court, Hisar, whereby, the reference has been answered in favour of the workman but instead of ordering reinstatement with full back wages, awarded compensation of Rs. 30,000/- by relying upon the judgment of Hon'ble the Supreme Court in Jagbir Singh vs. Haryana State Agriculture Marketing Board and another, **(2009) 15 SCC 327**, wherein, Hon'ble the Supreme Court

had an occasion to ponder on the issue of compensation. It has been found that termination of the workman was in violation of the Section 25F of the Industrial Disputes Act, 1947 (hereinafter referred to as 'the I.D. Act') and reinstatement along with full back wages was not automatic. Since in the present case, the petitioner has rendered 7 years of service as Baildar on daily wages, the compensation of Rs. 30,000/- awarded by the Labour Court is too meagre/paltry. The Full Bench of this Court in **Municipal Council Dina Nagar, Tehsil & District Gurdaspur vs. P.O. L.C. Gurdaspur and another 2014(4) SCT 514** culled out the principles by holding that the nature of the duties and the appointment has to be seen while dealing with the case of the alleged termination.

In the instant case, there is clear cut violation of Section 25-F of the I.D.Act, but since the workman had performing the duty on daily wages and was not performing the duty against the sanctioned post or permanent post. I deem it appropriate to modify the Award of the Labour Court and direct Management to pay the compensation of Rs. 3 lacs (Rupees three lacs.) instead of Rs.30,000/- as the workman has rendered service for 7 years.

Accordingly, the Award of the Labour Court is modified and compensation of Rs.30,000/- is enhanced to Rs. 3 lacs and the Management is directed to pay the aforementioned amount within a period of three months from the date of receipt of a certified copy of this order, failing which, the aforementioned amount shall entail

interest at the rate of 12% per annum.

With the aforementioned observations, writ petition stands disposed of.

(AMIT RAWAL)
JUDGE

May 07, 2015
savita