

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

CWP No.18204 of 2011 (O&M)

Date of decision: 07.08.2015

Karambir

... Petitioner

Vs.

The Presiding Officer 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:- Mr. J.S.Yadav, Advocate
for the petitioner.

Dr. Sushil Gautam, DAG, Haryana
for respondent No.1.

Mr. R.A.Yadav, Advocate
for respondents No.2 and 3.

AMIT RAWAL J. (Oral)

Challenge in the present writ petition is to the impugned Award dated 16.05.2011, (Annexure P-8), whereby, the reference has been answered in favour of the petitioner and the Labour Court instead of ordering reinstatement with continuity of service, much less, back wages, awarded a lump sum compensation of ₹ 72,500/-.

Mr. J.S.Yadav, learned counsel appearing on behalf of the petitioner submits that there is a finding of the Labour Court that services of the petitioner were terminated without adhering to the provisions of Section 25-F of the Industrial Disputes Act, 1947

(hereinafter referred to as 'the I.D.Act.'). The workman, who, was discharging the duties of salesman, ought to have been reinstated with continuity of service.

Dr. Sushil Gautam, learned Deputy Advocate General, Haryana appearing on behalf of respondent No.1 submits that the post on which the petitioner appointed has been abolished and therefore, the amount of compensation awarded by the Labour Court is fair, legal and justified. He further submits that there is no illegality, much less, perversity in the finding of the Labour Court.

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

No doubt that the petitioner had served the Management for a period of approximately 07 years and the Labour Court has given a finding that services of the petitioner were terminated without following the procedure enshrined under Section 25-F of the I.D.Act. There is another aspect of the matter that plea of abandonment *dehor* at the behest of the Management has not been accepted by the Labour Court, while determining the compensation of ₹72,500/-, which, in my view, it is too less and meagre, particularly keeping in view the fact that the petitioner had rendered the service of more than 07 years as salesman. Since the post on which the workman appointed has been abolished, I deem it appropriate to modify the Award of the Labour Court. Accordingly, compensation of ₹72,500/- is enhanced to ₹2,50,000/-. The aforementioned enhanced amount

of compensation shall be paid to the petitioner-workman within a period of three 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 07, 2015
savita