

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

**CWP No.10498 of 2014
Date of decision: 05.08.2015**

Sanjiv Kumar

... 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. Rajesh Sehgal, Advocate
for the petitioner.

Mr. Aayush Gupta, Advocate
for respondents No.2 to 4.

AMIT RAWAL J. (Oral)

Learned counsel for the petitioner confines his prayer to the enhancement of compensation only, though, the petitioner had worked for 08 years.

Mr. Rajesh Sehgal, learned counsel appearing on behalf of the petitioner submits that the petitioner was appointed as Street Light Patroller and has rendered service of 08 years. His services were terminated in the year 2002 without complying with the provisions of Section 25-F of the Industrial Disputes Act, 1947 (hereinafter referred to as 'the I.D.Act'). Though the Labour Court has given a finding that the Management did not resort to the

aforementioned provisions of I.D.Act, but yet the Labour Court instead of ordering reinstatement, awarded paltry amount of ₹28,000/- as compensation. He further submits that though the petitioner has raised the demand notice after a period of 04 years approximately, i.e., in the year 2006, therefore, such aspect be taken into consideration, in case, Courts accept request for enhancing the amount of compensation.

Mr. Aayush Gupta, learned counsel appearing on behalf of respondents No.2 to 4 submits that the services of the workman were never terminated and amount of ₹3513/- towards compensation was paid to the workman on 15.04.2002, therefore, there is compliance of provisions of Section 25-F of the I.D.Act and Award of the Labour Court is just, fair and legal.

I have heard learned counsel for the parties and appraised the paper book with their able assistance.

Since the workman has confined his prayer to the enhancement of compensation only, I find that the Labour Court by rendering a finding in favour of the workman that the Management did not resort to the provisions of Section 25-F of the I.D.Act awarded the amount of compensation which is too meagre and paltry. Management has also not assailed the finding vis-a-vis non-adherence to the provisions of Section 25-F of the I.D.Act. Since the workman had rendered service of 08 years, he should be entitled for reasonable amount of compensation but I cannot be oblivious of the

fact that he has raised demand notice after a period of 04 years.

Keeping in view the aforementioned facts and circumstances of the present case, I deem it appropriate to modify the Award of the Labour Court, keeping in view the parameters laid down by the Hon'ble Supreme Court in **BSNL vs. Bhurumal 2014(3) SCT 49**. Accordingly, compensation of ₹ 28,000/- is enhanced to ₹3,00,000/-. The aforementioned enhanced compensation shall be paid to the workman within a period of two 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 05, 2015
savita