

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

**Civil Writ Petition No.222 of 2011**

**Date of Decision: March 23, 2015**

**Ram Kumar**

...Petitioner

Versus

**State of Haryana & others**

...Respondents

**CORAM: HON'BLE MR.JUSTICE AMIT RAWAL, JUDGE**

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?

Present: Mr.J.P.Sharma, Advocate,  
for the petitioner.

Mr.Keshav Gupta, AAG, Haryana,  
for the State.

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**AMIT RAWAL, J.( Oral)**

The petitioner-workman has approached this Court by challenging the award of the Labour Court dated 12.6.2008 (Annexure P-1), whereby the reference has been declined.

Mr.J.P.Sharma, learned counsel appearing for the petitioner contends that the services of the petitioner-workman, who had rendered four years service with the respondent-Management, had been dispensed with/ retrenched without complying with the provisions of Section 25-F of the Industrial Disputes Act, 1947 (for short "the Act"). He further submitted that it has been proved on record that the petitioner had rendered 240 days service in a relevant calendar year, yet this fact has not been noticed by the Labour Court entailing into the dismissal of the reference.

Mr.Keshav Gupta, learned AAG, Haryana appearing for the State submits that the award of the Labour Court is just, fair, legal and is liable to be upheld. There had been compliance of the provisions of Section 25-F of the Act.

I have heard the learned counsel for the parties and appraised the paper book, much less, the award.

The award of the Labour Court is primarily based on the judgment rendered by the Hon'ble Supreme Court in **Secretary, State of Karnataka and others versus Uma Devi (3) and others, (2006) 4 SCC 1**, which essentially does not relate to the facts/grievance raised by the petitioner qua his alleged retrenchment. The petitioner is stated to have worked for a period of four years w.e.f. 1.3.1991 to 1.1.1995 and was drawing salary of ₹1260/- per month. He further submitted that the witness of the Management RW-1 has admitted the correctness of the detail of work shown in Ex.PW1/1, which shows that the petitioner had rendered more than 240 days service in a relevant calendar year. However, this fact has not been noticed by the Labour Court.

I am of the view that award of the Labour Court is vitiated in law, much less, erroneous and perverse and there is no finding with regard to the evidence brought on record, which, *ex-facie* proved that the petitioner had worked for more than 240 days in a relevant calendar year.

Since no compensation has been awarded, much less, there has been any order of reinstatement, it would be for the fitness of things to award adequate compensation to the workman as he has stated to have worked only for a period of roughly four years.

Learned counsel for the petitioner relied upon the judgment of this Court in **Mukesh Kumar versus Executive Engineer Division No.2, PWD, Public Health, Rewari and others, 2014 (1) SCT 3** to contend that in similar circumstances, the workman had been awarded a sum of ₹1,00,000/- as compensation as the workman had worked for a period of one year.

In view of what has been observed above, since the award of the Labour Court did not deal with the evidence and it has been found that the workman has worked for 240 days in a relevant calendar year and no compensation has been awarded, therefore, there has been patent violations of the provisions of Section 25-F of the Act.

Instead of ordering reinstatement, I deem it appropriate to award consolidated compensation to the petitioner-workman. Accordingly, workman is held to be entitled to a consolidated compensation of ₹2,25,000/-, which shall be paid to the petitioner within a period of three months from the date of receipt of certified copy of this order, failing which it will bear an interest @12% per annum.

With the above observations, the writ petition stands disposed of.

**March 23, 2015**  
**ramesh**

**( AMIT RAWAL )**  
**JUDGE**