

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

**CWP No.15001 of 2015
Date of decision: 27.07.2015**

Balwinder Singh

Vs.

... Petitioner

Industrial Tribunal Patiala 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. Ravi K. Mattoo, Advocate
for the petitioner.

AMIT RAWAL J. (Oral)

Challenge in the present writ petition is to the Award dated 15.07.2014 passed by the Presiding Officer, Industrial Tribunal, Patiala, whereby, the reference vis-a-vis reinstatement, continuity of service, much less, back wages has been declined and the workman has been awarded compensation of ₹ 25,000/- only (Rupees twenty five thousand only).

Mr. Ravi Kumar Mattoo, learned counsel for the petitioner submits that petitioner had rendered service of two years w.e.f. 16.10.1996 to 30.04.1998 and the Management was liable to resort to the provisions of Section 25-F of the Industrial Disputes Act, 1947 (hereinafter referred to as 'the I.D.Act') before terminating the

services of the petitioner and having not done so, the workman was compelled to raise demand notice.

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

The fact remains that the petitioner has raised demand notice after a gap of 10 years i.e., on 21th July, 2008 yet has been able to get compensation of ₹ 25,000/-. However, I do not intend to modify the aforementioned claim, for the reason, that the workman was appointed keeping in view the exigency of the work which ceased to exist. The appointment purely is on temporary basis does not fall within the realm of jurisdiction of Section 25-F of the I.D.Act, therefore, the Management was not required to resort to the provisions of Section 25-F of the I.D.Act. In view of the fact demand notice has been raised after a lapse of 10 years, claim of reinstatement and continuity of service is wholly mis-conceived, there is no merit in the present writ petition.

Dismissed.

(AMIT RAWAL)
JUDGE

July 27, 2015
savita