

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

CWP No.1728 of 2014
Date of decision : 30.04.2015

Suresh Kumar

...Petitioner

Versus

Presiding Officer, Industrial Tribunal-cum-Labour Court, Gurgaon &
ors.

...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. Saurabh Arora, Advocate
for the petitioner.

Mr. Pritam Saini, Advocate
for the respondent No.2.

AMIT RAWAL, J. (Oral)

Challenge in the present writ petition is to the award dated 30.09.2013 (Annexure P-7), whereby Labour Court while deciding reference in favour of the petitioner instead of ordering reinstatement and continuity of service awarded a compensation of Rs.1 lac.

Mr. Saurabh Arora, learned counsel appearing on behalf of the petitioner/workman submits that once the Labour Court has arrived

at a conclusion that there is violation of provision of Section 25-F of the Industrial Disputes Act, there was no occasion for the Labour Court to award a lump sum compensation of ₹1 lac instead the petitioner is entitled for reinstatement in service.

Mr. Pritam Saini, learned counsel appearing on behalf of Management/respondent No.2 contends that petitioner was appointed on contractual basis and, therefore, award of the Labour Court awarding the compensation of Rs.1 lac is fair, legal and justified and there is no illegality and perversity and, therefore, the present writ petition is liable to be dismissed.

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

No doubt the Labour Court had arrived at a conclusion that there is violation of Section 25-F of Industrial Disputes Act as the management did not serve any show cause notice or held an enquiry regarding the alleged plea of absence of the petitioner/workman. In the absence of such act the workman is entitled to reinstatement. The fact remains that the petitioner has not worked for a period of four years and once the management and the petitioner are nursing as a rancour against each other, it would not be in fitness of thing for ordering reinstatement and, therefore, keeping in view such facts, I deem it appropriate to enhance the compensation to a sum of ₹2,25,000/- in total.

Accordingly, the award of the Labour Court is modified.

With the aforementioned observations, present writ petition stands disposed.

It is made clear that Management shall make the payment of ₹2,25,000/- to the workman within a period of three months from the date of receipt of certified copy of the order, failing which it shall entail the interest of 9 % p.a..

30.04.2015

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**(AMIT RAWAL)
JUDGE**