

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

Civil Writ Petition No.21033 of 2013
Date of Decision: April 21, 2015

The Divisional Forest Officer, Panipat

...Petitioner

Versus

Siyaram & another

...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.Hitesh Pandit, Addl.A.G.Haryana,
for the petitioner.

Ms.Abha Rathore, Advocate,
for respondent No.1.

AMIT RAWAL, J. (Oral)

The petitioner-Management has approached this Court by challenging the award of the Labour Court dated 13.2.2012 (Annexure P-4), whereby the reference under Section 10(1)(c) of the Industrial Disputes Act, 1947 (for short “the Act”) has been answered in favour of the workman and he was ordered to be reinstated into service with continuity of service and 25% back wages.

Mr.Hitesh Pandit, learned Addl.A.G.Haryana appearing for the State contends that the award of the Labour Court suffers from non-

application of mind, much less, misappreciation of evidence as along with the retrenchment notice dated 3.6.2005 (Annexure P-1), cheque of ₹15266/- was sent, in order to comply with the provisions of Section 25-F of the Act and, therefore, the Labour Court ought not to have ordered the reinstatement of the workman.

Ms.Abha Rathore, learned counsel appearing for respondent No.1 contends that notice (Annexure P-1) is purported to have been sent by registered post. However, there is no reference of the cheque nor it has been mentioned that the cheque has been enclosed. She has drawn my attention to second line of last paragraph of the notice to contend that the alleged compensation has not been enclosed with the retrenchment notice. The relevant extract of the notice (Annexure P-1) is extracted herein below:-

“Whereas you were engaged purely on daily wages basis w.e.f. 1993 for the above mentioned activates/works from time to time under various scheme/projects financed by external agencies as well as State Govt. Now in the view of the above mentioned circumstances, your services are no longer required on the expiry of one month from the date of issue of this notice.

You are, therefore, hereby served with one month notice as required under the provisions of the Section 25F(A) Industrial Disputes Act, 1947, and you will be entitled to compensation of Rs.15216/- equivalent to 15 days average pay for every completed year of continues service or any part thereof in excess of six months at the time of retrenchment.”

The Management has failed to comply with the provisions of Section 25-F(b) of the Act. The award of the Labour Court is fair, legal, justified and the workman has rendered more than 22 years of service with the petitioner-Management. There is apparent violation of provisions of

Civil Writ Petition No.21033 of 2013

: 3 :

Section 25-F of the Act. There is no error in the award warranting interference of this Court. There is no merit in the writ petition. The award of the Labour Court is upheld and the writ petition is dismissed.

April 21, 2015
ramesh

(AMIT RAWAL)
JUDGE