

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

**CWP No.22387 of 2013
Date of decision: 04.08.2015**

Baleshwar Parshad

... Petitioner

Vs.

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. Raj Kaushik, Advocate
for the petitioner.

Mr. V. Ramswaroop, Addl.A.G. Punjab
for respondents No.2 and 3.

AMIT RAWAL J. (Oral)

Challenge in the present writ petition is to the Award dated 03.06.2013, Annexure P-3, passed by the Presiding Officer, Industrial Tribunal, Patiala, whereby, the Labour Court instead of ordering reinstatement of the petitioner along with continuity of service and back wages, has awarded compensation of ₹10,000/- only.

Mr. Raj Kaushik, learned counsel appearing on behalf of the petitioner submits that the workman has rendered service of 07 years as Sweeper-cum-Mali. However, the Management while

terminating his services, did not resort to the provisions of Section 25-F of the Industrial Disputes Act, 1947 (hereinafter referred to as 'the I.D.Act') and at that time, the petitioner was drawing ₹ 1796/- per month. He further submits that the petitioner was entitled to reinstatement along with continuity of service and full back wages, in the alternative, compensation determined, is too less and meagre.

Mr. V. Ramswaroop, Additional Advocate General, Punjab appearing on behalf of respondents No. 2 and 3 submits that the amount of compensation awarded by the Labour Court is fair, legal and justified, as the workman was appointed on contract basis. Even if the services of the petitioner were terminated, reinstatement is not an automatic right as various aspects have to be considered, i.e., the nature of appointment, availability of post and availability of work.

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

Be that as it may, the workman has rendered service of 07 years. In essence, he has completed 240 days in the relevant year. No doubt, the workman was appointed as Sweeper-cum-Mali on contract basis but the Management did not resort to the provisions of Section 25-F of the I.D.Act, though reinstatement is not an automatic right, the nature of appointment, availability of post and availability of work is to be seen, which has not been proved, but the fact remains that the compensation of ₹10,000/- awarded by the Labour Court is too less, much less, meagre.

At this stage, learned counsel for the petitioner submits that his client would be satisfied, if the amount of compensation is enhanced considerably.

Accordingly, the Award of the Labour Court is modified. Accordingly, compensation of ₹ 10,000/- is enhanced to ₹1,00,000/- 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.

Mr. Raj Kaushik, learned counsel for the petitioner-workman undertakes that he will provide the latest available address of the workman to the learned State counsel for receipt of compensation as awarded by this Court within a period of fortnight.

Writ petition stands disposed of.

(AMIT RAWAL)
JUDGE

August 04, 2015
savita