

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.20027 of 2014

Date of Decision: 13.02.2015

Raj Kumar

... Petitioner

Versus

Industrial Tribunal Patiala & ors.

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Ms. Ishrat Kaur Pannu, Advocate, for
Mr. Vikas Singh, Advocate,
for the petitioner.

Mr. Rajiv Prashad, Addl. A.G., Punjab.

Mr. Kamaljeet S. Mamrat, Advocate,
for respondent Nos.3 to 5.

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RAJIV NARAIN RAINA, J.(Oral)

The admitted period of service rendered was July, 1998 to 31st July, 2000, when the workman's services were terminated on 1st August 2000. Undisputedly the provisions of Section 25-F etc. of the Industrial Disputes Act, 1947 was not complied with, which are mandatory in nature and would make termination void. The Labour Court has denied reinstatement in reference No.890/2002, but awarded compensation in lieu thereof a lump sum of Rs.50,000/- with interest @ 6% .

In LPA No.754 of 2010; Municipal Council, Dina Nagar Vs. Presiding Officer and another, decided on 29th November 2014, the Division Bench of this Court has recently laid down a workable rule standardizing payment of compensation in lieu of reinstatement for peons in municipal service upon retrenchment at the rate of Rs.1 lac per year of service

rendered by them before illegal termination. The petitioner was in a better position than peons in municipal service and therefore, this Court would follow the standardized compensation package in *Municipal Council, Dina Nagar case (supra)* by applying that principle. In this way, the petitioner is held entitled to Rs.2.50 lacs as compensation towards denial of reinstatement. The petition is allowed. The impugned order stands modified and Rs.50,000/- will now be read as Rs.2.50 lacs as due and payable to the workman.

13.02.2015

monika

**(RAJIV NARAIN RAINA)
JUDGE**