

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

**CWP No.9102 of 2010 (O&M)
Date of decision: 24.03.2015**

Ram Chander (deceased) through LRs ... Petitioners

Vs.

The Presiding Officer and another ... 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. Sandeep Singal, Advocate
for the petitioners.

Mr. Keshav Gupta, AAG, Haryana.

AMIT RAWAL J. (ORAL)

Challenge in the present writ petition is to the Award dated 18.01.2010 (Annexure P-3), whereby, the Labour Court has adjudicated upon the reference and has finally held that respondent No.2 contravened provisions of Section 25-F of the Industrial Disputes Act, 1947 (hereinafter referred to as 'the Act') yet granted ₹ 20,000/-, as compensation to the petitioner.

Mr. Sandeep Singal, learned counsel appearing on behalf of the LRs of the petitioner-Ram Chander (deceased)-workman contends that Ram Chander was appointed as Baildar on 01.01.1982 and his services were terminated on 01.02.1996 and once the

Labour Court has come to a categoric finding that workman had worked for a period from November, 1990 to September, 1996 reinstatement was inevitable. For the sake of brevity, para No.9 of the Award of the Labour Court is extracted herein below:

“On the other hand the management examined MW-1 K.L.Singal, SDO, PWD, B&R, Rohtak who has stated that the workman was orally appointed in the month of 11/1990 and he worked upto 9/1996 with heavy breaks. He has also stated that the workman has not completed 240 days in any calendar year. He has proved the working detail of the workman Ex.M-1 and the muster rolls Ex.M-2 to Ex.M-26. In his cross-examination he has admitted that there are two sub divisions in Division No.1 and he has not brought the record of sub division No.1 because the workman had not worked under that sub division.”

Yet without assigning any reasoning only a compensation of ₹20,000/- has been awarded.

Mr. Keshav Gupta, learned State counsel submits that the Award of the Labour Court is just, fair and legal.

I have heard learned counsel for the parties and appraised the award of the Labour Court as well as paper book.

Since the Labour Court has already found that the workman worked approximately for five years and there was violation

of Section 25-F of the Act, the order of the Labour Court suffers from illegality and perversity, as no reason, much less, cogent reason has been given to award compensation instead of ordering reinstatement, or a consolidated compensation qua back wages. Since the workman had expired during the pendency of the writ petition and keeping in view the principle laid down in Full Bench judgment of this Court in **Municipal Council, Dina Nagar, Tehsil and District, Gurdaspur vs. Presiding Officer, Labour Court, Gurdaspur and another** 2014 (4) S.C.T.514, it would be fair to award compensation of Rs.2,00,000/- to the legal representatives of the workman.

With the aforementioned observations, the award of the Labour Court is modified to the aforesaid extent only and the writ petition is accordingly disposed of.

(AMIT RAWAL)
JUDGE

March 24, 2015
savita