

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

CWP No.4788 of 2012
Date of decision : 14.05.2015

Kirpal Singh

...Petitioner

Versus

Presiding Officer, (Distt. Judge) Industrial Tribunal-cum-Labour Court,
Jalandhar & 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. Satbir Rathore, Advocate
for the petitioner.

Mr. Amit Arora, Advocate
for the respondent No.2.

AMIT RAWAL, J. (Oral)

Present writ petition has been filed against the award dated 11.01.2012 (Annexure P-8) passed by the Labour Court, whereby Labour Court instead of ordering reinstatement has ordered the payment of compensation of ₹20,400/-.

Mr. Satbir Rathore, learned counsel appearing on behalf of the petitioner contends that once the Labour Court has found that there was violation of Section 25-F of the Industrial Disputes Act, 1947, the fact

remains that the petitioner had worked for almost more than 12 years, the Labour Court ought not to have ordered for compensation instead of reinstatement and continuity of services, much less, back wages.

Mr. Amit Arora, learned counsel appearing on behalf of respondent No.2 submits that award of the Labour Court is fair, justified and legal. There is no illegality and perversity and there is no merit in the writ petition and writ petition is liable to be dismissed, much less, the petitioner has also not averred in the claim petition that he was not gainfully employed during the period he remains out of service.

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

It is a matter of record that petitioner-workman had rendered services of 12 years and Labour Court while awarding the compensation has found that there was violation of provision of Section 25-F of the Industrial Disputes Act and instead of ordering reinstatement and other benefits the payment of compensation of ₹20,400/- has been ordered.

In my opinion, the compensation of ₹20,400/- in respect of the services rendered for 12 years is too meagre.

Since, Full Bench of this Court in Municipal Council Dina Nagar Gurdaspur Vs. Presiding Officer Labour Court, Gurdaspur 2014(4) SCT 514 has already culled out certain principles for awarding the compensation, I deem it appropriate to enhance the compensation from ₹20,400/- to ₹2,00,000/-, keeping in view the fact that petitioner has rendered services of 12 years.

Accordingly, the award of the Labour Court qua the direction

of payment of compensation is modified and amount of compensation to be read as ₹2,00,000/- instead of ₹20,400/-.

Management is directed to pay the payment within a period of two months from the date of receipt of certified copy of this order, failing which it shall entail interest of 12% p.a.

Accordingly, present writ petition is disposed of.

14.05.2015

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**(AMIT RAWAL)
JUDGE**