

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.24088 of 2015

Date of Decision: 18.11.2015

Punjab Gramin Bank

... Petitioner

Versus

Smt. Kulwant Kaur and others

... Respondents

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

Present: Mr. R.S. Bhatia, Advocate,
for the petitioner.

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

RAJIV NARAIN RAINA, J.

1. The respondent-worker had put in 19 years of service with the Punjab Gramin Bank, a banking Institution constituted under the Regional Rural Banks Act, 1976 before her services were terminated by an oral order on May 09, 2007 of the Bank.

2. Aggrieved, she raised an industrial dispute with the Bank which was referred to the Labour Court, Amritsar to test the validity of her termination order and whether it was justified. The appropriate Government made Ref. No.69 of 2009 which after adjudication has been partially allowed by the impugned award. Reinstatement has been denied to the worker and instead a sum of Rs.30,000/- has been awarded by way of lump sum compensation in lieu of reinstatement.

3. It is argued that the respondent-worker was a casual part-time worker who spent only about 30 to 45 minutes daily to perform the duty of a

Janitor in the Bank and sweep its office floor. However, the relationship continued for 19 years with is long drawn out employment. It is well settled that even a casual part-time employment qualifies as reckonable service activating the protections afforded by the provisions of the Industrial Disputes Act, 1947 (“the Act”). Part-time employment falls within the ambit of “workman” under section 2 (s) of the ID Act as held by the Supreme Court in **New India Assurance Co. Ltd. v. A. Sankaralingam**, (2008) 10 SCC 698.

4. The Bank has approached this Court against award of Rs.30,000/- which is a trifling amount of compensation granted in lieu of reinstatement and would not justify interference in the extraordinary jurisdiction possessed by this Court under Article 226 of the Constitution of India which is meant for doing justice and not to promote injustice. There is no error apparent on the face of the record or in the impugned award dated August 03, 2015 passed by the Presiding Officer, Industrial Tribunal, Amritsar which may warrant interference or would vitiate the award.

5. I have no cogent or valid reason to issue summons in this case to hear the respondent-worker on a matter which is liable be dismissed in limine since the award does not ex facie suffer from any fundamental flaw of law. No question of law or fact is involved in this case and the petition is found without substance and is ordered to stand dismissed.

6. However, nothing said in this order will be taken as an expression or a seal of approval on the amount of lump sum compensation awarded by the Labour Court which is open to debate in case the respondent-worker approaches this Court against the award claiming both

reinstatement and full back wages. If an action is brought it will be decided on its own merits without being influenced by anything said in this order.

(RAJIV NARAIN RAINA)
JUDGE

18.11.2015
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