

IN THE COURT OF PUNJAB AND HARYANA HIGH COURT AT CHANDIGARH

(1) CWP No.28077 of 2013

Date of Decision: 09.02.2015

Harjit Singh

...Petitioner

Vs.

Presiding Officer, Industrial Tribunal and another

..Respondents.

(2) CWP No.28142 of 2013

Rajesh Kapur

..Petitioner

Vs.

Presiding Officer, Industrial Tribunal and another

..Respondents

(3) CWP No.27852 of 2013

Praduman Kishan

..Petitioner

Vs.

Presiding Officer, Industrial Tribunal and another

..Respondents.

Present:- Mr. V.K.Rana, Advocate for the petitioner.

None for respondent No.2.

MAHESH GROVER, J. (ORAL)

This order of mine will dispose of abovesaid three writ petitions.

The petitioner(s) in these writ petitions impugned the award of Labour Court dated 23.10.2013.

The facts of the case are almost similar.

In Civil Writ petition No.28077 of 2013 petitioner worked from 10.10.1982 upto 26.11.2002 and was drawing salary of ₹2400/- per month.

In Civil Writ Petition No.27852 of 2013, petitioner worked from 3.11.1988 upto 26.11.2002 and was drawing salary of ₹2500/- per month.

In Civil Writ Petition No.28142 of 2013, petitioner worked from 1.4.1989 upto 26.11.2002 and was drawing salary of ₹5000/- per month.

The services of all the petitioners were terminated in the year 2002. References were claimed seeking justification of the action of the respondents in terminating their services.

The respondent-Management appeared before the Tribunal and filed their written statement but chose not to contest the proceedings thereafter, leading to ex parte finding where the workmen were held entitled to compensation. The particulars of which are given below:

In CWP No.28077 of 2013 petitioner was awarded an amount of ₹24000/- to be paid within three months failing which interest @ 6% per annum from the date of award till its actual realisation was also awarded.

In CWP No.28142 of 2013 petitioner was awarded an amount of ₹30,000/- to be paid within three months failing which interest @ 6% p.a.

from the date of award till its actual realisation was also awarded.

In CWP No.27852 of 2013 petitioner was awarded an amount of ₹18,000/- to be paid within three months failing which interest @ 6% p.a. from the date of award till its actual realisation was also awarded.

Reinstatement was denied in all the cases and therefore, limited question was raised by counsel for the petitioner regarding adequacy of compensation awarded. In support of his plea, it has been stated that all the petitioners worked with the Management for almost two decades and thus, compensation awarded is meager.

In Assistant Engineer, Rajasthan Dev.Coop. Vs. Gitam Singh
2013(5) SCC 136 the Hon'ble Supreme Court granted compensation of Rs.50,000/- to a workman who had rendered eight months service.

In the given set of circumstances, I am of the view that since the petitioners remained out of service as long as more than a decade i.e. from the year 2002 to 2013 when the reference was claimed, it would be appropriate to grant a lump-sum compensation of ₹5 lacs to the petitioner in each case. Ordered accordingly.

All the petitions are allowed.

09.02.2015
Meenu

(Mahesh Grover)
Judge