

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Writ Petition No.2651 of 2014
Date of Decision: May 12, 2015

Harbans Kaur

...Petitioner

Versus

The Presiding Officer, Industrial Tribunal, Patiala & others

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL, JUDGE

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr.Ramesh Goyat, Advocate,
for the petitioner.

Mr.V.Ramswaroop, Addl.A.G.Punjab,
for the State.

AMIT RAWAL, J. (Oral)

By way of filing the present writ petition, the petitioner-workman has challenged the award dated 7.5.2013 (Annexure P-6) passed by the Labour Court on the ground that instead of ordering reinstatement and continuity of service, only paltry amount of ₹10,000/- as compensation has been ordered.

Mr.Ramesh Goyat, learned counsel appearing for the petitioner submits that the petitioner was appointed as a Sweeper through Employment Exchange for four hours daily duties on 20.11.2000 and continuously worked upto 20.11.2005 and her last pay drawn was ₹939/- per month. Hwe

further submits that the petitioner worked continuously for a period of five years and without holding any enquiry, issuing notice or payment retrenchment compensation, services of the petitioner were terminated on 21.11.2005. He further submits that once there is a violation of provisions of Section 25-F of the Act, there was no occasion for the Labour Court to award compensation and instead the petitioner was entitled to reinstatement into service along with continuity of service, much less, back wages and, thus, the award of the Labour Court is erroneous, illegal, much less, perverse.

Mr.V.Ramswaroop, learned Additional Advocate General, Punjab appearing for the Management submits that the award of the Labour Court is fair, legal and justified as the petitioner was appointed as a part time Sweeper and does not fall within the definition of workman under Section 2(s) of the Act.

Learned counsel for the petitioner, during the course of hearing, submits that his client would be satisfied in case the amount of compensation is enhanced from ₹10,000/- to some considerable/reasonable amount.

Be that as it may, the fact remains that the Management did not serve any charge sheet/show cause notice regarding the alleged absence of the petitioner nor any compensation was given to the petitioner at the time when her services were illegally terminated. Though the Labour Court has come to a finding that there was violation of provisions of Section 25-F of the Act, but while granting the relief has only awarded compensation of ₹10,000/-, which is too meager.

Since the workman has rendered the service of five years, I deem it appropriate to enhance the compensation from ₹10,000/- to ₹2,50,000/- in view of the ratio decidendi culled out by the Division Bench of this Court in L.P.A. No.754 of 2010 (Municipal Council, Dina Nagar Versus Presiding Officer, Labour Court, Gurdaspur and another), decided on 29.11.2014. The Management is directed to pay the compensation of ₹2,50,000/- to the workman within a period of three months from the date of receipt of certified copy of this order. In case the compensation is not paid within the stipulated period, the same shall entail interest @ 12% per annum.

With the above observations, the award of the Labour Court qua compensation is modified. The writ petition is accordingly disposed of.

May 12, 2015
ramesh

(AMIT RAWAL)
JUDGE