

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

CWP-2800-2014

Date of Decision: 09.07.2015

Anand Kumar

...Petitioner

Versus

**The Chief Principal Conservator of Forest, Punjab, Chandigarh &
ors.**

...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. M.S. Joshi, Advocate for the petitioner.

Mr. Y.K. Gupta, AAG, Punjab. .

AMIT RAWAL, J. (ORAL)

Challenge in the present petition is to the award dated 15.10.2013 (Annexure P-6) rendered by the learned Presiding Officer, Industrial Tribunal, Patiala, whereby while deciding reference in favour of the petitioner, compensation of ₹7000/- has been awarded and the Management has been directed to pay the same within a period of 45 days of the publication of the award, failing which workman shall entitled for interest @ 6% p.a.

Mr. M.S. Joshi, learned counsel appearing on behalf of the

petitioner submits that Labour Court has given a finding that workman had rendered services for the period of 254 days in a relevant year i.e. 2004-2005 and, therefore while giving such finding it has been proved on record that Management did not comply with the provisions of Section 25-F of the Industrial Disputes Act, 1947 and, therefore, the petitioner is entitled for reinstatement along with back wages.

Mr. Y.K. Gupta, AAG, Punjab submits that award of the Labour Court is fair, legal and justified. The amount of compensation assessed is only for the period i.e. 2004-2005, whereby the petitioner has rendered services for 254 days.

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

It has been submitted that on perusal of the contents of demand notice and claim petition there are no averments vis-a-vis that petitioner was not gainfully employed for the period he remained out of job except a bald statement in affidavit submitted in examination-in-chief.

No effort has been made to seek production of record from the Management. Rather the documents produced on behalf of the petitioner reveals that petitioner had only worked for 254 days in 2004-2005 and in the previous year less than 240 days and Labour Court while assessing the compensation, by considering the services for that period, awarded the compensation of ₹7000/-. The Hon'ble Full Bench of this Court in *M.C. Dina Nagar Gurdaspur Vs. Presiding Officer, Labour Court & anr. 2014 (4) SCT 514* has also held that even if the Labour

Court finds that termination of the workman was bad but reinstatement would not be automatic, as availability of post and work has to be seen. The petitioner has not led evidence in this regard. However, the compensation of ₹7000/- in my view is too meagre and, therefore, I deem it appropriate to enhance the amount of compensation to a sum of ₹35000/-.

With the aforementioned observation, award of the Labour Court is modified and compensation of ₹7000/- is increased to a sum of ₹35000/-.

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

With the aforementioned observation, writ petition stands disposed of.

July 09, 2015
pawan

(AMIT RAWAL)
JUDGE