

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

CWP-3553-2014 (O&M)

Date of Decision: 09.07.2015

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...Petitioner

Versus

State of Punjab and 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. P.K. Goklaney, Advocate for the petitioner.

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

AMIT RAWAL, J. (ORAL)

The widow of the workman (since deceased) has challenged the award dated 21.03.2013 (Annexure P-5), whereby reference has been decided in favour of the workman and instead of ordering reinstatement and backwages, a compensation of ₹35,000/- has been given (₹30,000/- for the services rendered for 2 ½ years + ₹5000/- for litigation expenses).

Mr. P.K. Goklaney, learned counsel appearing on behalf of the petitioner submits that Labour Court while taking into consideration services of 2 ½ years rendered by the petitioner but ought to have awarded more compensation than the one awarded.

During the pendency of the award, petitioner had unfortunately died and had left his widow and three minor children. He

further submits that Labour Court found that there was relationship between employer and employee and, therefore, it was Management the employer of the workman terminated the service of the workman and instead of ordering reinstatement only a paltry amount of compensation of ₹35000/- has been awarded.

He further submits that in case amount of compensation is enhanced keeping in view the fact that workman has died, the petitioner would be satisfied, much less, grievance would stand vindicated.

Mr. Y.K. Gupta, AAG, Punjab submits that compensation awarded by the Labour Court is fair, legal and justified. He further submits that no case is made out for the enhancement of the compensation.

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

Keeping in view the fact that Labour Court had found the relationship between employer and employee had been established, it was also found that services of the workman were terminated without resorting to the provision of Section 25-F of the Industrial Disputes Act and, therefore, the compensation awarded in my view is too meagre.

Keeping in view the fact that workman had died and left widow and three minor children, I deem it appropriate to modify the award of the Labour Court by enhancing the amount of compensation from ₹35000/- to ₹1,00,000/-.

Accordingly, the award of the Labour Court is modified.

Respondents are directed to make the payment of

compensation to the petitioner-widow within a period of three months from the date of receipt of certified copy of this order, failing which it shall entail interest @ 12% p.a. Liability of all the respondents shall be joint & several.

Writ petition stands disposed of.

July 09, 2015
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(AMIT RAWAL)
JUDGE