

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

CWP-5814-2014

Date of Decision: 09.07.2015

Kuldip Singh

...Petitioner

Versus

Industrial Tribunal Patiala & 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: Ms. Sukhmani Tiwana, Advocate for
Mr. Vikas Singh, Advocate for the petitioner.

Mr. H.S. Sethi, Advocate for the respondent No.2.

AMIT RAWAL, J. (ORAL)

Challenge in the present petition is to the award dated 24.05.2013 (Annexure P-3), whereby reference has been decided in favour of workman and instead of ordering reinstatement, compensation of ₹10,000/- has been awarded.

Ms. Sukhmani Tiwana, learned counsel appearing on behalf of the petitioner submits that petitioner had rendered services for 2 years as Plumber and, therefore, Management did not resort to the provision of Section 25-F of the Industrial Disputes Act, 1947 and, therefore, petitioner is entitled to reinstatement, much less, continuity of service, and full backwages.

Mr. H.S. Sethi, learned counsel for the Management submits

that award of the Labour Court is fair, legal and justified. Since the workman had rendered service for two years, amount of compensation of ₹10,000/- is justified.

I have heard the learned counsel for the parties.

Though in first instant argument seeking reinstatement appears to be attractive but the fact remains that workman had only rendered services for 2 years and no evidence has been led whether work of Plumber is available in the management or not. In such a situation, the Labour Court by considering the said fact has awarded a compensation of ₹10,000/- which in my view is too meagre.

Accordingly, the plea of reinstatement is hereby rejected.

Since amount of compensation of ₹10,000/- as observed above is too meagre, I deem it appropriate to enhance an amount of compensation to ₹1,00,000/-.

Accordingly, award of the Labour Court is modified and amount of compensation is enhanced from ₹10,000/- to ₹1,00,000/-.

Management is directed to make the payment of compensation to the petitioner 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.

With the aforementioned observation, writ petition stands disposed of.

July 09, 2015
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(AMIT RAWAL)
JUDGE