

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Writ Petition No.5927 of 2014

Date of Decision: August 04, 2015

Ranbhim Singh

...Petitioner

Versus

The Presiding Officer, Labour Court, 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.Dinesh Ghai, Advocate,
for the petitioner.

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

AMIT RAWAL, J. (Oral)

The challenge in the present writ petition is to the award dated 10.9.2013 (Annexure P-8), whereby the Labour Court has answered the reference in favour of the workman and instead ordering reinstatement and continuity of service, awarded compensation of ₹10,000/-.

Mr.Dinesh Ghai, learned counsel appearing on behalf of the petitioner submits that the petitioner was appointed in the month of December, 2001 as Mali-cum-Gardener and his services were terminated on 27.9.2003 without resorting to the provisions of Section 25-F of the Industrial Disputes Act, 1947 (for short “the Act”). Such an action on behalf

of the State amounts to unfair labour practice. The Labour Court ought to have ordered for reinstatement, much less, continuity of service and as well as back wages and, therefore, the award of the Labour Court is liable to be set-aside.

Mr.V.Ramswaroop, Addl.Advocate General, Punjab appearing on behalf of the State submits that the workman was appointed for 89 days and the awarding of compensation of ₹10,000/- was the only remedy. The Labour Court was enjoined upon an obligation to ponder upon keeping in view the parameters laid down by the Full Bench in Municipal Council, Dina Nagar, Tehsil & Distt.Gurdaspur Versus Presiding Officer, Labour Court, Gurdaspur and another, 2014(4) S.C.T. 514 and B.S.N.L. Versus Bhurumal, 2014(7) SCC 177.

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

It is matter of record that the petitioner has worked for a period of two years, though there is a finding by the Labour Court that the Management has not complied with the provisions of Section 25-F of the Act, but the fact remains that the reinstatement would not be automatic as the nature of work and job has to be proved and seen.

Since the workman has rendered a period of two years service and has not averred in the demand notice that he was gainfully employed during the period he remained out of service, I deem it appropriate to modify the award and enhance compensation to ₹1,50,000/- from ₹10,000/- as the workman has rendered a period of two years. The aforementioned compensation shall be paid to the workman within a period of two months

from the date of receipt of certified copy of this order, failing which it shall entail interest @ 12% per annum.

The writ petition is disposed of accordingly.

August 04, 2015
ramesh

(AMIT RAWAL)
JUDGE