

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

1.CWP No.8596 of 2013

Date of Decision: 27.11.2015

Attar Singh

..... Petitioner

Versus

Presiding Officer and another

..... Respondents

2.CWP No.8600 of 2013

Mukesh Kumar

....Petitioner

Versus

Presiding Officer and another

....Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr.Bhisham Kumar, Advocate for the petitioner

Ms.Vibha Dhiman, AAG, Haryana

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RAJIV NARAIN RAINA, J. (Oral)

1. This order will dispose of CWP Nos.8596 and 8600 of 2013 as common questions of law and facts are involved in both the writ petitions.
2. Heard counsel.
3. On January 21, 2014, the co-ordinate Bench of this Court passed the following order in *katcha peshi* in CWP No.8596 of 2013:-

“At the outset, counsel for the petitioner does not press the petition on the issue of reinstatement and limits his claim only to getting the compensation amount of Rs.25,000/- enhanced, in view of the judgment of the Apex Court in **Assistant Engineer, Rajasthan Development Corporation**

& another Vs. Gitam Singh 2013 (2) SCT 30.

Notice of motion for 24.03.2014.”

4. Indisputably, in both the cases, the period of service rendered by the workmen is no more than 240 days as was the position in **Gitam Singh's** case (*supra*). In **Gitam Singh's** case, the Supreme Court awarded Rs.50,000/- as compensation in lieu of reinstatement and this judgment was relied upon to secure notice to the other side.

5. Consequently, both the writ petitions are partially allowed. The awards dated February 21, 2013 passed by the Presiding Officer, Industrial Tribunal-cum-Labour Court, Gurgaon impugned in both the writ petitions are modified and compensation in lieu of reinstatement will be read as Rs.50,000/- in each case payable to the workmen directly or by depositing the amount before the Labour Court, Gurgaon within 30 days from the date of receipt of a certified copy of this order, failing which the awarded amount as modified would earn interest at the rate of 18% per annum till realization to ensure timely compliance.

27.11.2015

MFK

(RAJIV NARAIN RAINA)
JUDGE