

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

**CWP No.955 of 2013
Date of decision: 23.07.2015**

Sindhuri Devi ... Petitioner
Vs.

Presiding Officer and others ... 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. K.L.Arora, Advocate
for the petitioner.

Mr. K.K.Gupta, Advocate
for respondents No.2 and 3.

AMIT RAWAL J. (Oral)

Challenge in the present writ petition is to the Award dated 24.08.2012, Annexure P-5, whereby, the reference sought by the petitioner qua her alleged termination vis-a-vis claim of reinstatement with continuity of service and back wages has been declined and only compensation of ₹ 60,000/- has been awarded.

Mr. K.L.Arora, learned counsel appearing on behalf of the petitioner submits that the petitioner has rendered service of 03 years 10 months i.e. from 01.11.1999 to 16.9.2003 and therefore, amount of compensation of ₹ 60,000/- is too meagre, particularly when Labour Court found the workman was performing the duties of Water

Carrier and Mali as well. He further submits that once the Labour Court arrived at findings that the Management had terminated the services of the petitioner illegally and Management did not resort to the provisions of Section 25-F of the Industrial Disputes Act, 1947 (for short 'the Act') yet has not ordered for reinstatement, much less, back wages, therefore, the present writ petition.

Mr. K.K.Gupta, learned counsel appearing on behalf of respondents No.2 and 3 submits that the findings of the Labour Court is just, fair and legal. There is no illegality or perversity in the findings rendered by the Labour Court, as keeping in view the period of service of the petitioner, compensation of ₹60,000/- is justified.

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

No doubt that the Labour Court had arrived at finding that the Management did not resort to the provisions of Section 25-F of the Act while terminating the services of the petitioner but the fact remains that since the petitioner was appointed on daily wages, therefore, reinstatement would not be fair and justified but only compensation. The Hon'ble Supreme Court in BSNL vs. Bhurumal **2014(3) SCT 49** has held that where the findings have been arrived that the termination is legal, reinstatement should not be automatic, availability of job and work have to be seen, particularly in respect of employees who are working on daily wages. The Labour Court has not taken into consideration mitigating circumstances. Petitioner had

to undergo agony such like provision of food and shelter to the family.

In my view, compensation of ₹ 60,000/- is too paltry and meagre.

In view of what has been observed above, Award of the Labour Court is modified instead of compensation of ₹ 60,000/- (Rupees sixty thousand) a compensation of ₹ 3,00,000/- (Rupees three lacs) is awarded to the petitioner, keeping in view the parameters laid down by Hon'ble the Supreme Court in **BSNL's case (supra)**. The Management is directed to pay the aforementioned compensation to the petitioner-workman within a period of two months from the date of receipt of certified copy of this order, failing which, the workman shall be entitled to interest at the rate of 12% per annum on the aforementioned enhanced compensation.

Writ petition stands disposed of in above terms.

(AMIT RAWAL)
JUDGE

July 23, 2015
savita