

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

LPA No. 1288 of 2014

DATE OF DECISION : 08.10.2015

Rajinder Singh

.... APPELLANT

Versus

Presiding Officer, Labour Court, Chandigarh and another

.... RESPONDENTS

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL
HON'BLE MR. JUSTICE MAHAVIR S. CHAUHAN

Present : Mr. Harsh Manocha, Advocate, for the appellant.
Mr. R.C. Chaudhary, Advocate, for respondent No.2.

SATISH KUMAR MITTAL, J. (Oral)

The workman has filed this intra-court appeal under Clause X of the Letters Patent against the order dated 23.05.2014 passed by the learned Single Judge, whereby the writ petition (CWP No. 18981 of 1991) filed by the appellant challenging the award of the Labour Court deciding the reference against him, has been disposed of, and a compensation of ₹ 40,000/- with interest at the rate of 7.5% per annum was ordered to be paid to the appellant, while making the following observations :-

“I find the objection to be legally tenable and the termination could not have been upheld only on the basis that the Society was reeling under a loss. The termination has been effected on 09.10.1989 and nearly 25 years have passed since the termination was effected, there has been no reinstatement all along and it will be inviolable to place him in the post of a Salesman to the same post for a violation. In my view, the appropriate reparation shall be to award damages

for the wrongful termination. The petitioner's contention is that he had been working from 06.12.1985 for a period of 4 years and in my view, the appropriate relief shall be a compensation of ₹40,000/- for unlawful termination. The petitioner is entitled to recover the same with interest at 7.5% per annum from today. The prayer for reinstatement is declined.”

In compliance with the said order, the Management (respondent No.2 herein) has paid the aforesaid amount of compensation with interest to the workman on 05.08.2014. Thus, on 23.09.2014, when this appeal was taken up for motion hearing and notice of motion only qua quantum of compensation was issued, the workman had already received the entire amount of compensation with interest. Today, learned counsel for the Management has placed on record the original receipt dated 05.08.2014, whereby the workman has received the entire amount as per the impugned order dated 23.05.2014 passed by the learned Single Judge, without any protest subject to his right to file the appeal. In view of this factual position, we are of the opinion that before filing the instant appeal, the appellant – workman had already accepted the impugned order.

Dismissed.

(SATISH KUMAR MITTAL)
JUDGE

October 08, 2015
ndj

(MAHAVIR S. CHAUHAN)
JUDGE