

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

LPA No. 1430 of 2014

DATE OF DECISION : 28.08.02015

Smt. Banti and others

.... APPELLANTS

Versus

The Presiding Officer, Labour Court, Ambala and another

.... RESPONDENTS

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

HON'BLE MR. JUSTICE MAHAVIR S. CHAUHAN

Present : Mr. Rajiv Dhawan, Advocate,
for the appellants.

Mr. Sandeep Moudgil, Addl. A.G., Haryana,
for respondent No.2.

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SATISH KUMAR MITTAL, J. (Oral)

The LR's of the workman have filed this intra-court appeal under Clause X of the Letters Patent against the order dated 04.03.2014 passed by the learned Single Judge, whereby after setting aside the award dated 29.01.2010 (Annexure P-1) rendered by the Labour Court dismissing the claim of the workman, ordered the payment of compensation of ₹ 2.00 lacs to the LR's of the workman, as the workman had expired during the pendency of the writ petition and could not have been reinstated.

We have heard learned counsel for the parties and have gone through the award of the Labour Court as well as the impugned order passed by the learned Single Judge.

The learned Single Judge, while taking into consideration the long period of service of the workman, though as a seasonal worker, found that the order of termination of the services of the workman was not justified, as the same was passed in violation of the mandatory provision of Section 25-F of the Industrial Disputes Act, 1947. After coming to this conclusion and keeping in view the fact that the workman had expired during the pendency of the writ petition filed by him, ordered payment of compensation of ₹ 2.00 lacs to his LRs (appellants herein) and directed the respondent No.2 - Management to pay the said amount within a period of two months from the date of the order, failing which interest @ 9% per annum was ordered to be paid.

Learned counsel for the appellants argued that the compensation awarded by the learned Single Judge is less, as in stead of rendering 15 years of service with respondent No.2 – Management, as recorded by the learned Single Judge, the workman worked with respondent No.2 – Management for more than 26 years.

After considering the submissions made by learned counsel for the parties, the fact that the workman was working on daily wage basis and was a seasonal worker, we are of the opinion that the compensation awarded by the learned Single Judge is just and reasonable. However, the impugned order passed by the learned Single Judge with regard to rate of interest is modified and the same is enhanced from 9% per annum to 12% per annum

from the date of termination of services till the date of payment of compensation. Respondent No.2 – Management is directed to pay the amount of compensation awarded by the learned Single Judge along with interest within a period of one month from today.

Disposed of accordingly.

**(SATISH KUMAR MITTAL)
JUDGE**

August 28, 2015
ndj

**(MAHAVIR S. CHAUHAN)
JUDGE**