

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

LPA No. 1202 of 2015 (O&M)
DATE OF DECISION : 01.10.2015

Hindu Senior Secondary School, Kaithal 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. Sandeep Goyal, Advocate, for the appellants.

SATISH KUMAR MITTAL, J. (Oral)

The Management has filed this intra-court appeal under Clause X of the Letters Patent against the order dated 07.04.2015 passed by the learned Single Judge, whereby the writ petition (CWP No. 13614 of 2011) filed by the workman, namely Ishwar (respondent No.2 herein), was disposed of with modification in the award dated 22.07.2010 rendered by the Labour Court, to the extent that in lieu of reinstatement, the workman was awarded compensation of ₹ 1.50 lacs.

Though there is delay of 53 days in filing the appeal and the appellants have filed application (CM No. 2558-LPA of 2015) for condoning the said delay, yet we have heard learned counsel for the appellants and have gone through the award passed by the Labour Court as well as the impugned order passed by the learned Single Judge.

This is second termination of the services of the workman by

the Management. In compliance with the earlier award dated 08.05.2003 passed by the Labour Court, the workman was reinstated. His services were again terminated on 30.11.2005, without complying with the mandatory provisions of Section 25-F of the Industrial Disputes Act, 1947 (hereinafter referred to as 'the Act'). In spite of recording a categorical finding that the Management, while terminating the services of the workman, did not comply with the mandatory provisions of Section 25-F of the Act, the Labour Court vide award dated 22.07.2010 decided the reference against the workman. The learned Single Judge has corrected the said award and ordered the Management to pay an amount of ₹ 1.50 lacs as compensation to the workman in lieu of reinstatement. The said order was passed on the conclusion that services of the workman were illegally terminated for the second time. Earlier, he was reinstated in service in the year 2003 and again his services were terminated in the year 2005, and that too without complying with the mandatory provisions of Section 25-F of the Act.

During the course of hearing, learned counsel for the appellants could not point out any irregularity or illegality in the impugned order passed by the learned Single Judge. Even otherwise also, we do not find any scope to interfere with the said order.

No order. Dismissed.

(SATISH KUMAR MITTAL)
JUDGE

October 01, 2015
ndj

(MAHAVIR S. CHAUHAN)
JUDGE