

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

LPA No. 1236 of 2015 (O&M)

DATE OF DECISION : 28.09.2015

Balkar Singh

.... APPELLANT

Versus

Presiding Officer, Central Govt. Industrial Tribunal-cum-Labour Court-I,
Chandigarh and another

.... RESPONDENTS

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

Present : Mr. Rajesh Gupta, Advocate,
for the appellant.

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SATISH KUMAR MITTAL, J. (Oral)

This intra-court appeal under Clause X of the Letters Patent has been filed by the workman against the order dated 28.05.2014 passed by the learned Single Judge, dismissing the writ petition (CWP No. 9018 of 2014) filed by the appellant challenging the award dated 20.11.2009 (Annexure P-1) passed by the Labour Court, vide which the appellant was awarded compensation of ₹ 1.50 lacs in lieu of reinstatement.

Though there is delay of 395 days in filing the appeal and the appellant has filed application (CM No. 2637-LPA of 2015) for condoning the said delay, yet we have heard learned counsel for the appellant and have gone through the award of the Labour Court as well as the impugned order passed by the learned Single Judge.

During the course of arguments, learned counsel for the appellant has conceded that the appellant has received the amount of compensation awarded by the Labour Court. Even otherwise, keeping in view the facts and circumstances of the case, which have been noticed by the learned Single Judge in the impugned order, it was a fit case, where in lieu of reinstatement, compensation should have been awarded. Secondly, the appellant had worked as daily wager with respondent No.2/Management only for one and half years and the only illegality in terminating his services is that the provisions of Section 25-F of the Industrial Disputes Act, 1947 were not complied with. The learned Single Judge has also noticed the fact that the Farm, in which the appellant was working, has already been closed. Even the regular employees have been shifted to other Farms. In our opinion, by noticing all these facts, the learned Single Judge has rightly dismissed the writ petition filed by the appellant, finding the awarding of compensation to the appellant/workman in lieu of reinstatement as fully justified. Thus, we do not find any ground to interfere with the order passed by the learned Single Judge.

No merit. Dismissed.

(SATISH KUMAR MITTAL)
JUDGE

September 28, 2015
ndj

(MAHAVIR S. CHAUHAN)
JUDGE