

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

LPA No. 1240 of 2015 (O&M)
DATE OF DECISION : 24.08.02015

Shyam Babu Gupta

.... APPELLANT

Versus

M/s Vishesh Overseas, Gurgaon and another

.... RESPONDENTS

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

Present : Mr. Saurabh Gulia, 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 against the order dated 14.05.2015 passed by the learned Single Judge, whereby while disposing of the writ petition (CWP No. 23188 of 2013) filed by the Management (respondent No.1 herein), the award dated 09.11.2012 (Annexure P-5) of the Labour Court, ordering reinstatement of the workman (appellant herein) with 40% back wages on the basis of last drawn salary, has been set aside and the Management – respondent has been directed to pay consolidated amount of compensation of ₹ 55,000/- to the appellant – workman, in lieu of reinstatement.

Though there is delay of 68 days in filing the instant appeal, and the appellant has filed application (CM No. 2645-LPA of 2015) for condoning the said delay, yet we have heard learned counsel for the appellant on merits and have gone through the impugned order passed by the learned Single Judge as well as the award of the Labour Court.

After hearing learned counsel for the appellant, we do not find

any merit in the present appeal.

Undisputedly, the appellant – workman worked with the respondent – Management on work charge basis only for a period of 12 months. In the impugned order, it has been mentioned that during the pendency of the writ petition, at one point of time, the Management had conceded to re-instate the workman, but without payment of back wages, and the workman also agreed to join his duties. However, after rendering services for two days, the workman left the job on the ground that he was not assigned the same duties. In these circumstances, the learned Single Judge has come to the conclusion that since in the present case, the relations between the Management and the workman are not good, therefore, it would be appropriate and reasonable to award suitable compensation to the workman in lieu of reinstatement. This decision was taken by the learned Single Judge, while keeping in view the nature of the job of the workman.

In view of the facts and circumstances of the case and the law laid down by the Apex Court in Assistant Engineer, Rajasthan Development Corporation & another Vs. Gitam Singh, 2013 (5) SCC 136, we do not find any ground to interfere with the impugned order passed by the learned Single Judge.

No merit. Dismissed.

(SATISH KUMAR MITTAL)
JUDGE

August 24, 2015
ndj

(MAHAVIR S. CHAUHAN)
JUDGE