

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

(1) LPA No. 1281 of 2015 (O&M)

Executive Engineer, Provincial Division No.2, PWD (B&R), Rohtak
.... APPELLANT

Versus

Ram Chander and another
.... RESPONDENTS

(2) LPA No. 1183 of 2015 (O&M)

Kashmiri and others
.... APPELLANTS

Versus

The Presiding Officer, Industrial Tribunal-cum-Labour Court, Rohtak and
another
.... RESPONDENTS

DATE OF DECISION : 04.09.2015

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

Present : Mr. Lokesh Sinhal, Addl. A.G., Haryana,
for the appellant (in LPA No. 1281 of 2015) and
for respondent No.2 (in LPA No. 1183 of 2015).

Mr. Surinder Gandhi, Advocate,
for the appellants (in LPA No. 1183 of 2015).

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SATISH KUMAR MITTAL, J. (Oral)

This order shall dispose of LPA Nos. 1281 and 1183 of 2015,
which are arising out of the order dated 24.03.2015 passed by the learned

Single Judge, whereby while disposing of the writ petition (CWP No. 9102 of 2010) filed by the workman, after modifying the award dated 18.01.2010 (Annexure P-3) rendered by the Labour Court, Rohtak, the amount of compensation granted to the workman in lieu of reinstatement has been enhanced from ₹ 20,000/- to ₹ 2,00,000/- to the legal representatives of the workman, who expired during the pendency of the writ petition.

Feeling aggrieved by the said order, The Management as well as the legal representatives of the deceased workman have filed the instant appeals.

Learned counsel for the Management argued that the learned Single Judge has arbitrarily enhanced the amount of compensation from ₹ 20,000/- to ₹ 2,00,000/-. On the other hand, learned counsel for the legal representatives of the workman argued that keeping in view the facts of the case and liability of the workman, even the amount of ₹ 2,00,000/- is inadequate.

Though there is delay of 117 days in filing LPA No. 1281 of 2015 and delay of 66 days in filing LPA No. 1183 of 2015, and the appellants in both these appeals have filed separate applications, i.e. CM Nos. 2728-LPA and 2513-LPA of 2015, respectively, for condoning the said delay, yet 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.

After hearing learned counsel for the parties, keeping in view

the facts and circumstances of the case, we do not find any ground to interfere with the impugned order.

In this case, as observed by the Labour Court, approximately after six years, the services of the workman were terminated without assigning any reason and without complying with the provisions of Section 25-F of the Industrial Disputes Act, 1947. The Labour Court found termination of the services of the workman as illegal, but keeping in view the facts and circumstances of the case, a sum of ₹ 20,000/- was awarded as compensation to the workman in lieu of reinstatement. The award was passed by the Labour Court on 18.01.2010 and immediately thereafter, on 07.10.2010, the workman had expired. Therefore, before the learned Single Judge, the issue of re-instatement of the workman did not survive. However, keeping in view all these facts, the learned Single Judge has enhanced the amount of compensation from ₹ 20,000/- to ₹ 2,00,000/- to the legal representatives of the workman. In our view, in the facts and circumstances of the case, this enhancement is fully justified and does not require any interference/modification.

Consequently, both the appeals are hereby dismissed.

**(SATISH KUMAR MITTAL)
JUDGE**

September 04, 2015
ndj

**(MAHAVIR S. CHAUHAN)
JUDGE**