

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

LPA No. 1340 of 2015 (O&M)
DATE OF DECISION : 11.09.2015

Jila Bal Vikas and Priyojna Adhikari, Jagadhri, Yamuna Nagar
.... APPELLANT

Versus

Smt. Rajbala and another
.... RESPONDENTS

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

Present : Ms. Tanisha Peshawaria, DAG, Haryana, for the appellant.

SATISH KUMAR MITTAL, J. (Oral)

Jila Bal and Vikas Priyojna Adhikari, Jagadhri, Yamuna Nagar, has filed this intra-court appeal under Clause X of the Letters Patent against the order dated 19.03.2015 passed by the learned Single Judge, whereby the writ petition (CWP No. 3540 of 2015) filed by the appellant challenging the award dated 25.07.2014 rendered by the Presiding Officer, Labour Court, Ambala, reinstating the workman (respondent No.1) with continuity of service and 50% back wages within two months, has been dismissed.

Though there is delay of 100 days in filing the appeal and the appellant has filed application (CM No. 2850-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.

In this case, undisputedly, at the time of termination of the services of the respondent (workman), she had worked for more than 240

days in the previous calendar year as well as before terminating her services, mandatory provision of Section 25-F of the Industrial Disputes Act, 1947 (hereinafter referred to as 'the Act') was not complied with. It has also come on record that the respondent (workman) has worked with the appellant (Management) for about five years. In spite of that, the appellant did not comply with the mandatory provision of Section 25-F of the Act and illegally terminated the services of the respondent (workman). In view of this factual position, the Labour Court had found termination of the respondent (workman) to be illegal and ordered her reinstatement with continuity of service and 50% back wages.

Learned counsel for the appellant argued that in this case, instead of ordering reinstatement of the respondent (workman), she should have been awarded compensation. We do not accept this contention, particularly when the respondent (workman), who is a woman, was working with the appellant (Management) for about five years. Thus, in our opinion, the learned Single Judge has rightly upheld the award of the Labour Court, and we do not find any illegality in the said order.

No merit. Dismissed.

(SATISH KUMAR MITTAL)
JUDGE

September 11, 2015
ndj

(MAHAVIR S. CHAUHAN)
JUDGE