

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

Letters Patent Appeal No.1388 of 2015

Date of Order: 16.11.2015

The Haryana State Cooperative Apex Bank Ltd., Chandigarh

..Appellant

Versus

Shri Roshan Lal and another

..Respondents

**CORAM: HON'BLE MR. JUSTICE RAJIVE BHALLA
HON'BLE MS. JUSTICE REKHA MITTAL**

**Present: Mr. Subhash Ahuja, Advocate,
for the appellant.**

RAJIVE BHALLA, J (Oral)

The appellant challenges order dated 14.08.2015, awarding compensation of Rs.4,00,000/- to the respondent-workman in lieu of reinstatement.

The facts as discernible from the pleadings are that, a reference sought by Roshan Lal, raising a labour dispute, was forwarded to the Industrial Tribunal & Labour Court, Union Territory, Chandigarh (hereinafter referred to as 'the Tribunal), for adjudication. The Tribunal, vide order dated 20.08.2013, held that as the workman had completed 240 days, his termination is illegal for want of compliance with Section 25-F of the Industrial Disputes Act, 1947 (hereinafter referred to as 'the Act'). After holding as above, the Tribunal declined the relief of reinstatement but granted

compensation of Rs.50,000/-. The workman, filed a writ petition. The appellant, admittedly, did not challenge findings recorded by the Tribunal, that the termination of the workman is violative of Section 25-F of the Act. The writ petition filed by the workman has been allowed by enhancing compensation to Rs.4,00,000/-.

Counsel for the appellant submits that the appellant should have been allowed to urge that finding recorded by the Tribunal, that services of respondent no.1 were terminated in violation of Section 25-F of the Act, is illegal. The appointment of the respondent was illegal as he was erroneously appointed on 23.06.1999 and, therefore, his services dispensed with on 21.05.2001. Counsel for the appellant further submits that compensation has been enhanced without reference to any principle and even otherwise the amount awarded is far in excess of the amount that respondent no.1 may be entitled to.

We have heard counsel for the appellant, perused the impugned order, the award but are not inclined to entertain the appeal.

Admittedly, the Tribunal has recorded a finding that services of the workman is illegal for want of compliance with Section 25-F of the Act, but while considering the question of relief, the Tribunal declined reinstatement and directed payment of compensation of Rs.50,000/-. The appellant did not challenge these findings and in fact paid Rs.50,000/- to the workman. The appellant cannot be allowed in view of these facts to urge that it should have been allowed, to address arguments, on the legality of the award, in

the writ petition, filed by the workman. As regards the plea that compensation of Rs.4,00,000/- is excessive, suffice is to state that order was passed in the presence of counsel for the the appellant and in our considered opinion, payment of Rs.4,00,000/- in lieu of four years service cannot be said to be excessive.

Consequently, finding no merit, the appeal is dismissed.

(RAJIVE BHALLA)
JUDGE

November 16, 2015
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(REKHA MITTAL)
JUDGE