

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

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L.P.A No. 1979 of 2014 (O&M)

Date of Decision:-06.10.2015

Joginder Singh

..... Appellant

Versus

State of Punjab & Ors.

.....Respondents

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

Present:- Mr. Tarun Singla, Advocate, for
Mr. R.K.Singla, Advocate, for the appellant.
Mr. B.S.Chahal, DAG, Punjab.

SATISH KUMAR MITTAL, J.(Oral)

The workman has filed this intra-court appeal filed under Clause X of the Letters Patent against the impugned order dated 02.09.2014 passed by the learned Single Judge, whereby the writ petition (C.W.P No. 15472 of 2014) filed by the State of Punjab through the Secretary, Water Supply and Sanitation Department, Punjab (for short 'the Management') challenging the award of the Industrial Tribunal, Bathinda, dated 16.05.2013 ordering reinstatement of the workman and 30% back wages from the date of demand notice, has been allowed; and the award has been modified to the extent that instead of reinstatement the workman has been awarded compensation to the tune of Rs.75,000/-.

After hearing learned counsel for the parties and going through the impugned order passed by the learned Single Judge as well as the award of the Industrial Tribunal, we do not find any ground for interference in the order passed by the learned Single Judge. Undisputedly, in this case the workman was employed as Mali-cum-Chowkidar and his total service on the date of termination was less than one year. He raised the demand notice after seven

years of his termination. Keeping in view these facts, the learned Single Judge has rightly ordered for payment of compensation in lieu of reinstatement.

Learned counsel for the appellant has argued that in the present case there is no appreciation of the documents placed- on record and the amount of compensation so awarded to the appellant is inadequate.

We do not agree with the aforesaid contention raised by learned counsel for the appellant. The learned Single Judge has accepted the finding recorded by the Industrial Tribunal that the services of the appellant-workman were terminated in violation of Section 25-F of the Industrial Disputes Act, 1947, but in the facts and circumstances of the case, modified the relief of reinstatement with continuity of service and 30% back wages, and awarded Rs.75,000/- as compensation, in light of the decisions of the Hon'ble Supreme Court in **Assistant Engineer, Rajasthan Development Corporation & Another Vs. Gitam Singh**, (2013) 5 Supreme Court Cases 136 and **B.S.N.L Vs. Bhurumal**, 2013 (15) Judgments Today 611. We do not find any illegality in the said order, particularly keeping in view the fact that the appellant was working on daily wages and had served only for less than one year with the respondent-Management.

No merits. Dismissed.

**(SATISH KUMAR MITTAL)
JUDGE**

**(MAHAVIR S.CHAUHAN)
JUDGE**

**October 06, 2015
tripti/vkg**