

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

LPA No.1535 of 2015(O&M)

Date of decision:20.10.2015

Improvement Trust Barnala

....Appellant

VERSUS

Sanjiv Kumar and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE HEMANT GUPTA

HON'BLE MRS. JUSTICE RAJ RAHUL GARG

Present: Mr. Gian Chand Garg, Advocate for the appellant.

HEMANT GUPTA, J.(Oral)

The present Letters Patent Appeal under Clause X of the Letters Patent is directed against an order passed by learned Single Bench of this Court on 05.08.2015 whereby the workman was awarded compensation of Rs.3 lakhs in lieu of reinstatement and back-wages consequent to the finding that the termination of the workman was in violation of the provisions of Section 25F of the Industrial Disputes Act, 1947.

We do not find any illegality or irregularity in the order passed by learned Single Bench. A Full Bench of this Court in LPA No.754 of 2010 titled Municipal Council, Dina Nagar, Tehsil & Distt. Gurdaspur v. Presiding Officer, Labour Court, Gurdaspur and another, decided on 10.10.2014, has considered the question as to whether the reinstatement has to be ordered in all cases of violation of Section 25F of the Industrial Disputes Act, 1947. It has been held that while considering

the reinstatement, the Court will consider (a) the nature of appointment; (b) availability of work; (c) availability of a post; (d) whether the appointment was as per Rules and the statutory provisions and (e) length of service and the delay in raising the industrial dispute etc.

The Labour Court awarded compensation of Rs.28,000/- which has since been enhanced to Rs.3 lakhs by learned Single Bench. The workman has worked for 8 years with the appellant in different capacities. The compensation of Rs.3 lakhs in lieu of the relief of reinstatement and back-wages cannot be said to be unjustified warranting interference in the present intra-Court appeal.

Dismissed.

(HEMANT GUPTA)
JUDGE

OCTOBER 20, 2015
'D. Gulati'

(RAJ RAHUL GARG)
JUDGE