

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

LPA No.313 of 2015(O&M)

Date of decision:8.10.2015

The Municipal Committee Ganaur

....Appellant

VERSUS

Subash Chand and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HEMANT GUPTA

HON'BLE MRS. JUSTICE RAJ RAHUL GARG

Present: Mr. Mahavir Sandhu, Advocate for the appellant.

Mr. Vikas Lochab, Advocate for respondent No.1.

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 02.12.2014 whereby the writ petition filed by the respondent-workman was allowed in the light of the order passed in LPA No.1265 of 2012 titled Ramesh Kumar v. Presiding Officer, Industrial Tribunal-cum-Labour Court, Panipat and another, dated 28.02.2013.

Learned counsel for the appellant has pointed out that in fact the appellant was not served before the Writ Court and therefore could not point out that the said order of LPA No.1265 of 2012 was set aside by Hon'ble Supreme Court in Civil Appeal No.266 of 2014 titled Executive Officer Municipal Committee Gannaur, Sonapat v. Ramesh Kumar and another, on 10.01.2014. Hon'ble Supreme Court in the said judgment, set aside the direction of Letters Patent Bench for reinstatement but instead

ordered grant of compensation of Rs.50,000/-. The relevant part of judgment reads as under:-

“In view of the aforesaid, we are of the opinion that these are not fit cases in which direction of reinstatement ought to have been given. However, we are of the opinion that instead each respondent shall be entitled to compensation which we assess at Rs.50,000/-.

The appellant shall pay to the respondents the compensation, as directed above, within two months from the date of receipt/production of a copy of this order, failing which the same shall carry interest at the rate of 9 per cent per annum.

In the result, the appeals are allowed, the impugned order is set aside. The appellant is directed to pay to the respondents, the compensation in the manner indicated above.

No order as to costs.”

On the other hand, learned counsel for the respondents refers to a Division Bench judgment of this Court in LPA No.890 of 2014 titled B.P.S. Mahila Vishwavidyalaya v. Mukesh Kumar and others, decided on 01.07.2014 wherein this Court has granted compensation of Rs.3 lakhs instead of relief of reinstatement.

We do not find that the respondent-workman is entitled to compensation of Rs.3 lakhs on the strength of judgment of this Court in B.P.S. Mahila Vishwavidyalaya's case (supra). Such case pertains to the workman of B.P.S. Mahila Vishwavidyalaya whereas the workman of the appellant-Municipal Committee was granted compensation of Rs.50,000/- by Hon'ble Supreme Court.

In the light of the binding precedent in respect of the same Municipal Committee, we find that the workman is entitled to compensation of Rs.50,000/- alone.

In view thereof, the present Letters Patent Appeal is allowed. The order passed by learned Single Bench dated 02.12.2014 is set aside and it is ordered that workman shall be entitled to Rs.50,000/- as compensation in lieu of reinstatement in view of the judgment of Hon'ble Supreme Court in Civil Appeal No.266 of 2014 titled Executive Officer Municipal Committee Gannaur, Sonapat v. Ramesh Kumar and another, on 10.01.2014.

The present Letters Patent Appeal stands disposed of accordingly.

(HEMANT GUPTA)
JUDGE

OCTOBER 8, 2015
'D. Gulati'

(RAJ RAHUL GARG)
JUDGE