

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

LPA No. 874 of 2015 (O&M)
DATE OF DECISION : 10.08.2015

Block Education Officer, Sonipat and another

.... APPELLANT

Versus

Presiding Officer, Industrial Tribunal-cum-Labour Court, Panipat and
another

.... RESPONDENTS

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

Present : Mr. Lokesh Sinhal, Addl. A.G., Haryana, for the appellants.

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SATISH KUMAR MITTAL, J. (Oral)

This intra-court appeal under Clause X of the Letters Patent has been filed against the order dated 17.03.2015 passed by the learned Single Judge, whereby the writ petition (CWP No. 534 of 2015) filed by the appellants challenging the award dated 19.09.2014 (Annexure P-8) passed by the Presiding Officer, Industrial Tribunal-cum-Labour Court, Panipat, reinstating the workman (respondent No.2 herein) in service with continuity of service and 50% back wages, has been dismissed.

Though there is delay of 31 days in filing the appeal, and the appellants have filed an application (CM No. 1828-LPA of 2015) for condoning the said delay, yet we have heard learned counsel for the appellants on merits and have gone through the impugned order passed by the learned Single Judge as well as the award rendered by the Labour Court.

During the course of arguments, it has not been disputed that

before terminating services of the respondent – workman, he had served the appellants for more than 13 years. It is also not disputed that before terminating the services, no domestic enquiry was held against the respondent – workman for the alleged mis-conduct of absence from duty. It is also undisputed that before terminating the services of the respondent – workman, who was working as part time water carrier, Section 25-F of the Industrial Disputes Act, 1947, was also not complied with. In view of these undisputed facts, in our view, the learned Single Judge has rightly upheld the award of the Labour Court, whereby termination of the services of the respondent – workman was held to be illegal and he was ordered to be re-instated in service with continuity of service and 50% back wages.

Learned counsel for the appellants argued that in view of certain judgments of the Apex Court, instead of re-instating the respondent – workman, he should have been given suitable compensation. In our opinion, this principle cannot be applied in this case, where the respondent – workman has worked with the appellants – Management for a period of more than 13 years. Thus, we do not find any ground to interfere with the impugned order passed by the learned Single Judge.

No merit. Dismissed.

(SATISH KUMAR MITTAL)
JUDGE

August 10, 2015
ndj

(MAHAVIR S. CHAUHAN)
JUDGE