

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

LPA No. 961 of 2015 ( O&M )

DATE OF DECISION : 01.12.2015

Usha Rani

.... APPELLANT

Versus

Presiding Officer, Industrial Tribunal, Patiala and others

.... RESPONDENTS

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

HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present : Mr. Gaurav Singla, Advocate, for  
Mr. Sanjiv Gupta, Advocate,  
for the appellant.

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**SATISH KUMAR MITTAL, J.** ( Oral )

The workman has filed this intra-court appeal under Clause X of the Letters Patent against the order dated 07.04.2015 passed by the learned Single Judge, whereby the writ petition (CWP No. 4498 of 2014) filed by the appellant has been partly allowed and the amount of compensation of ₹ 7,000/- awarded to the appellant vide award dated 02.08.2013 (Annexure P-4) passed by the Labour Court, Patiala, has been enhanced to ₹ 25,000/-.

Though there is delay of 16 days in filing the appeal and the appellant has filed application (CM No. 2009-LPA of 2015) for condoning the said delay, yet we have heard learned counsel for the appellant on merits and have gone through the impugned order passed by the learned Single

Judge.

In this case, on 24.11.1997, the appellant was engaged by respondent No.2 – Management as part time Class IV employee on remuneration of ₹ 63/- per day. This was stop gap arrangement till regular incumbent joins the service. Her services were terminated on 31.12.1998, on joining of the regular incumbent. On an industrial dispute raised by the appellant, it was found as a fact that before terminating the services of the appellant, who had worked as a part time employee with the respondent Management for more than 240 days immediately before the date of termination of her services, the respondent Management did not comply with the provision of Section 25-F of the Industrial Disputes Act, 1947. On that account, termination of the services of the appellant was found to be illegal. However, keeping in view the facts and circumstances of the case, particularly the fact that the appellant was engaged as part time employee and she had worked with the respondent Management only for 280 days, the Labour Court instead of reinstating the appellant awarded her compensation of ₹ 7,000/-. The learned Single Judge vide order dated 07.04.2015 found the said compensation slightly on the lower side and enhanced the compensation to ₹ 25,000/-. The said order is under challenge before us.

During the course of arguments, learned counsel for the appellant does not dispute that the appellant had worked only for 280 days and that too as a part time employee engaged as stop gap arrangement till

the regular incumbent joins the services of the respondent Management. It has also not been disputed that when the regular incumbent joined, services of the appellant were terminated.

In these facts, we are of the opinion that no interference is required with the order passed by the learned Single Judge. It is not a case of reinstatement, but case of awarding compensation. In our opinion, compensation awarded by the Labour Court has been rightly enhanced by the learned Single Judge. Thus, the impugned order does not require any interference.

No merit. Dismissed.

**( SATISH KUMAR MITTAL )**  
**JUDGE**

**December 01, 2015**  
ndj

**( SHEKHER DHAWAN )**  
**JUDGE**