

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

LPA No.966 of 2015

Date of decision:10.9.2015

Parmod Kumar

....Appellant

VERSUS

Industrial Tribunal-cum-Labour Court and others Respondents

CORAM: HON'BLE MR. JUSTICE HEMANT GUPTA

HON'BLE MRS. JUSTICE RAJ RAHUL GARG

Present: Mr. Nitin Rathee, 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 on 05.05.2015 whereby the writ petition filed by the appellant against the award of the Labour Court dated 07.01.2013 was dismissed.

The appellant was appointed as Clerk-cum-Store Keeper by the Air Force Wives Welfare Association, 12 Wing, Air Force Station, Chandigarh in May, 2005 and continued to work till 07.07.2008. The appellant was being paid a salary of Rs.500/- per month which gradually increased to Rs.1100/- per month.

The appellant raised an industrial dispute which was referred to the Industrial Tribunal-cum-Labour Court and the Labour Court in its award dated 07.01.2013 found that the appellant was working on STD Booth. Several workers were receiving nominal wages or honorarium and

the appellant has worked for about 3 years and therefore, it is not expedient to order reinstatement of the workman. Thus, compensation of Rs.30,000/- was awarded to the appellant. However, in a writ petition, learned Single Judge has enhanced the amount of compensation to Rs.80,000/-.

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.

In the present case, the appellant was engaged to attend the STD Booth on wages of about Rs.500/- per month which was enhanced to Rs.1100/- in the year 2008. The petitioner has worked only for a period of 3 years. Therefore, the discretion exercised by learned Labour Court not to order reinstatement cannot be said to be unjustified in the light of the judgment of this Court in Municipal Council, Dina Nagar's case (supra). Learned Single Judge has enhanced the compensation which meets the ends of justice.

In view of the above, we do not find any merit in the present
Letters Patent Appeal.

Dismissed.

(HEMANT GUPTA)
JUDGE

SEPTEMBER 10, 2015
‘D. Gulati’

(RAJ RAHUL GARG)
JUDGE