

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.7731 of 1995
Date of Decision:- 27.4.2016.

Jarnail Singh

.....Petitioner

Versus

The Presiding Officer, Labour Court, Patiala and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr. Navjot Singh, Advocate for the petitioner.

P.B. BAJANTHRI, J.

1.) In this petition, the petitioner has prayed for modifying the award dated 17.9.1992 vide Annexure P-1 to the extent of denial of consequential relief of back wages to the petitioner.

2.) The petitioner was terminated on 31.7.1988. Labour Court allowed the claim of the petitioner directing for reinstatement with continuity of service while denying the back wages on the score that petitioner was doing some labour job in order to meet his family expenses. The respondents have implemented the award on 29.9.1992.

3.) The only ground urged in support of the appeal is that the workman-petitioner was gainfully employed as workman and had

admitted in his cross-examination vide Annexure P-2. Petitioner was a Class-IV employee. His services were terminated. For his livelihood, he has to do some job to meet the monthly expenses of the family. He and members of his family cannot starve awaiting decision of the Court and to seek back wages etc. Therefore, denial of back wages by the Labour Court is not fair. It was noticed that termination was without notice for holding any inquiry or by paying any compensation. On the face of the facts, the termination order is highly arbitrary and illegal. In view of these facts and circumstances, the second respondent is directed to pay compensation of ₹ 50,000/- to the petitioner within a period of four months, since his services were terminated on 31.7.1988 and he is pursuing the matter to this day.

4.) Accordingly, the petition is allowed.

(P.B. BAJANTHRI)
JUDGE

April 27, 2016.

sandeep sethi