

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

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CWP No. 8622 of 1995(O&M)
Date of decision: 26.08.2016

Chandigarh Housing Board

....Petitioner

Versus

Presiding Officer, Labour Court, UT, Chandigarh and another

.... Respondents

CORAM: Hon'ble Mr. Justice P.B. Bajanthri

Present: Mr. Indresh Goyal, Advocate for the petitioner.

None for the respondents.

P.B. Bajanthri, J. (Oral)

Petitioner has questioned validity of the Award dated 15.07.1994 passed by the Labour Court, UT, Chandigarh.

2. On 23.03.1990, 2nd respondent was appointed on daily wages as a Mortar Mate by the petitioner-Board. Learned counsel for the petitioner submitted that 2nd respondent remained absent from 01.04.1991 and on 08.04.1991 he approached the petitioner-Board and accepted the wages for the month of March, 1991. Respondent No.2 raised demand notice in the month of May, 1991 and filed statement of claim on 24.07.1992. On 15.07.1994, the Labour Court passed an Award in favour of the 2nd

respondent that he is entitled to reinstatement with continuity of service and 50% back wages.

3. Learned counsel for the petitioner submitted that 2nd respondent has worked only for 216 days and he has not completed 240 days. Therefore, the Labour Court has erred in giving finding that the workman had completed 240 days and there is a violation of various provisions of the Industrial Disputes Act, 1947.

4. On the other hand, none appears for the 2nd respondent.

5. Learned counsel for the petitioner submitted that in so far as wages under Section 17-B is concerned, matter was heard. The 2nd respondent filed an affidavit vide Annexure P-3 and further by Annexure P-4 he withdrew the same and he intends to file a fresh affidavit. The same has not been complied therefore, Section 17-B of the Industrial Disputes Act, 1947 has not been complied by the petitioner. The 2nd respondent is not interested in pursuing the matter as is evident from the order sheet. In view of these facts and circumstances, award passed by the Labour Court is liable to be set aside.

6. Perusal of the Award, it is crystal clear that workman-2nd respondent has completed 240 days as a finding has been recorded in paras 6 and 7. Therefore, there is no infirmity in the award dated 15.07.1994 passed by the Labour Court. Having regard to the conduct of the 2nd respondent that he failed to make necessary affidavit before the petitioner-Board for compliance of Section 17-B of the Industrial Disputes Act, 1947, award of the Labour Court is modified to the extent that instead of reinstatement with continuity of service and 50% back wages, 2nd respondent-workman is entitled to compensation of Rs.1 Lac. The

compensation shall be paid to the 2nd respondent-workman.

7. Accordingly, petition stands disposed of.

(P.B.BAJANTHRI)
JUDGE

26.08.2016

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Whether speaking/reasons	Yes/No
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Whether Reportable:	Yes/No
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