

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(201)

CWP No. 19361 of 2009

Date of Decision: 03.11.2016

Baldev Singh and Another

.....Petitioner(s)

Versus

Presiding Officer, Labour Court, Gurdaspur and others

.....Respondent(s)

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

Present: Mr. K.L. Arora, Advocate
for the petitioner.

Mr. Rajiv Joshi, Advocate
for respondents No. 2 and 3.

P.B. BAJANTHRI, J. (Oral)

In the present writ petition, the petitioners have questioned the award of the Industrial Tribunal Court dated 03.03.2003.

2. The petitioners are stated to be employees of the Municipal Council, Dina Nagar. They have stated to have worked for 3 to 4 years. Their services have been terminated. Feeling aggrieved by the order of termination, they raised industrial dispute. Reference was decided on 03.03.2003 by the Industrial Tribunal against the petitioners. The petitioners after accepting the Industrial Tribunal decision kept quiet till December 2009. Similarly situated persons, who had approached this Court in CWP No. 9141 of 2001 and connected petitions, which were decided in favour of the workman on 19.11.2009. Thus, the petitioners immediately rushed to this Court in the month of December 2009 to

contend that the petitioners case are identical to that of Civil Writ Petition No. 9141 of 2001 and connected matters decided on 19.11.2009.

3. The respondents preferred LPA against the order passed in CWP No. 9141 of 2001 decided on 19.11.2009. LPA Bench passed the following order: -

“After carefully considering the entire gamut of facts, we direct that the category of respondent-workmen who had been working as clerks with the appellant would be entitled to compensation of `1,25,000/- for each completed year of service rendered by them. So far as the category of respondent-workmen who had served the appellant as peons before they were relieved, are concerned, they are held entitled to compensation of ₹1,00,000/- for each completed year of service rendered by them with the appellant. For the period of service beyond a completed year, the respondent-workmen shall be entitled to prorate payment as granted above.

In view of the above, all the above referred appeals are disposed of, however, with no order as to costs.”

The petitioners are not entitled for compensation awarded by the LPA Bench in full for the reasons that the petitioners slept over the matter after the decision of the Industrial Tribunal dated 03.03.2003 till December 2009 and they were fence sitters. Therefore, the petitioners are entitled to compensation of ₹ 50,000/- for each completed year of service rendered by them with the respondent-corporation. The respondents are directed to

pay the compensation to each of the petitioner within a period of six months from today.

4. Accordingly, petition stands disposed of.

(P.B. BAJANTHRI)
JUDGE

03.11.2016

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No