

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

224

CWP No. 10529 of 2013(O&M)
Date of decision: 07.09.2016

St. John's Baptish Public School

.... Petitioner

Versus

Shamesher Singh and another

.... Respondents

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

Present: Mr.Ashok Kaushik, Advocate for the petitioner.

Mr. Shiv Kumar, Advocate for the respondents.

P.B. Bajanthri, J. (Oral)

In the instant petition, the petitioner has assailed the award dated 06.08.2010 wherein the Labour Court has held that respondent-workman is entitled to reinstatement in service along with 10% of the back wages.

The respondent No.1 was appointed as a Driver on 09.06.1996 and his services were terminated on 05.04.2004. Thus, he raised industrial dispute which was the subject matter before the Labour Court at Faridabad. On 06.08.2010, the Labour Court was pleased to held that there is a violation of Section 25-F of the Industrial Disputes Act, 1947 and the workman is entitled to reinstatement along with 10% back wages. Since the respondent-workman has been terminated on 05.04.2004 therefore, this Court suggested the petitioner to get instructions regarding payment of compensation instead of reinstatement and back wages. Learned counsel for the petitioner stated that respondent-workman has been paid a sum of

CWP 10529-2013

Rs.30,000/-. Therefore, reasonable compensation may be awarded by this Court. The respondent-workman has rendered service from 09.06.1994 to 05.04.2004, therefore, the respondent-workman is entitled for compensation of Rs. 3 Lacs. The supreme Court in the case titled as ***Bharat Sanchar Nigam Limited versus Maan Singh*** reported in 2012(1)SCC 558 held that instead of reinstatement, matter can be decided by awarding compensation. Therefore, the petitioner is directed to pay compensation of Rs. 3 lacs within a period of 4 months from today failing which the petitioner is directed to pay interest @ 9% per annum from the date of Award.

07.09.2016

pooja saini

**(P.B.BAJANTHRI)
JUDGE**

Whether speaking/reasons

Yes/No

Whether Reportable:

Yes/No