

In the High Court of Punjab and Haryana at Chandigarh

**Civil Writ Petition No. 19089 of 2011
Date of Decision: 22.1.2016.**

Ravneet Kaur

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. G.S.Bal, Senior Advocate with
Mr. A.D.S.Bal, Advocate
for the petitioner.

Mr. K.D.Sidhu, Addl. A.G., Punjab.

SABINA, J.

Petitioner has filed this petition under Article 226 of the Constitution of India seeking a writ in the nature of certiorari for quashing of impugned award dated 14.6.2011 (Annexure P-9).

Learned senior counsel for the petitioner has submitted that the Industrial Tribunal-cum-Labour Court had rightly come to the conclusion that the services of the petitioner had been terminated in violation of mandatory provisions of Section 25-F of the Industrial Disputes Act, 1947 ('Act' for short). However, the compensation awarded to the petitioner in lieu of reinstatement was on the lower side.

Learned State counsel, on the other hand, has opposed the petition and has submitted that the petitioner has been adequately compensated by the Industrial Tribunal-cum-Labour Court.

In the present case, petitioner had raised an industrial dispute by serving a demand notice challenging his termination. The dispute was referred for adjudication by the appropriate government to the Industrial Tribunal-cum-Labour Court.

On the pleadings of the parties, following issues were framed by the Industrial Tribunal-cum-Labour Court-

- “1. Whether the services of the worker were terminated illegally by the management, if so, to what effect and to what relief the worker is entitled to, if any ? OPW*
- 2. Whether the reference is not maintainable, as alleged ? OPM*
- 3. Relief.”*

Parties led their evidence in support of their respective pleas.

The learned Industrial Tribunal-cum-Labour Court after appreciating the evidence led by the parties on record held that the services of the petitioner had been terminated in violation of the provisions of Section 25-F of the Act. The Industrial Tribunal-cum-Labour Court further held that it would be just and expedient to grant lump-sum compensation to the tune of ₹ 60,000/- to the petitioner in lieu of reinstatement. The amount of compensation awarded by the Industrial Tribunal-cum-Labour Court appears to be on the lower side. Petitioner had worked as a Clerk with the respondents-management from 30.9.1998 to 21.10.2004. Keeping in view the service period of the petitioner, it would be just and expedient to enhance the amount of compensation awarded by the Industrial Tribunal-cum-Labour Court.

Accordingly, the impugned award dated 14.6.2011 (Annexure P-9) is modified to the extent that amount of compensation awarded by the Industrial Tribunal-cum-Labour Court is enhanced from ₹ 60,000/- to ₹ 3,00,000/-. Respondent No. 2 is directed to make the payment of the said amount to the petitioner within two months from the receipt of certified copy of this order failing which the petitioner would be entitled to receive the amount of compensation along with interest at the rate of 9% per annum from the date of this order till realization.

Petition stands disposed of accordingly.

**(SABINA)
JUDGE**

January 22, 2016
Gurpreet