

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

CWP No.19644 of 2011

Date of Decision:09.11.2016

Satbir Singh

... Petitioner

Vs.

Presiding Officer, Industrial Tribunal-cum-Labour Court, Panipat and
another

... Respondents

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

Present : Mr. R.S. Malik, Advocate for the petitioner.

Mr. S.K. Chaudhary, Advocate for respondent No.2.

P.B. BAJANTHRI J.

In the instant writ petition, the petitioner has questioned the validity of the award passed by the Industrial Tribunal-cum-Labour Court dated 25.02.2011.

The petitioner is stated to have been appointed as Safai Karamchari on 26.1.1997. He has worked upto 16.1.2000. The Industrial Tribunal framed the following issues:

- “1. Whether the services of Shri Satbir Singh have been terminated validly or not? If not, whether he is entitled to any relief? OPW*
- 2. Whether the workman has abandoned the services validly as alleged, if so to what effect. OPM*
- 3. Whether the demand notice/reference is not maintainable as alleged ? OPM*
- 4. Relief.”*

After perusal of the evidence oral as well as documentary, the Labour Court has held that the petitioner has completed 240 days and there is violation of Section 25-B of the ID Act. Only the reason for declining the relief is that the petitioner had himself abandoned the job from 16.1.2000 and the Labour Court relied on decision reported in 1999-1-LLJ-224. The

sum and substance for not granting relief to the petitioner is that he has abandoned the job. At the same time, the Labour Court has failed to appreciate whether respondent-employer had issued any notice relating to abandoning the job and seeking the petitioner to report back to duty from absence.

Admittedly, the employer has not taken any such action for abandoned the job by the petitioner. Since the petitioner has rendered only three years of service, question of reinstatement with continuity of service may not arise at this distance of time and in view of the decision of the Apex Court in *BSNL Ltd. v. Man Singh*; (2012) 1 SCC 558. Having regard to the facts and circumstances of the present case, the petitioner is entitled to compensation only.

Accordingly, the respondent-employer is directed to pay compensation of Rs.1,50,000/- to the petitioner within a period of four months from today. Failing which the petitioner is entitled to interest @ 6% per annum on the compensation amount from today.

Disposed of accordingly.

09.11.2016
rajeev

(P.B. Bajanthri)
Judge

Whether speaking/reasoned **Yes/No**

Whether reportable **Yes/No**