

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

**CWP No. 1326 of 2014 (O&M)
Date of decision: 11.07.2016**

Piare Lal

....Petitioner

Versus

Industrial Tribunal, Patiala and others

.... Respondents

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

1. Whether Reporters of local papers may be allowed to see the judgment?
2. Whether to be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Ms. Sukhmani Tiwana, Advocate for the petitioner.

Mr. Neeraj Yadav, AAG, Punjab.

P.B. Bajanthri, J.(Oral)

In the present petition, the petitioner has questioned the order dated 09.01.2013 passed by Industrial Tribunal, Patiala in which it is held that petitioner-workman is entitled to get compensation from the respondent to the extent of Rs.25,000/- and the same shall be paid within a period of 2 months from the date of publication of the award, failing which the workman-petitioner will be entitled interest @ 6% per annum on the awarded amount, from the date of award till its realization.

2. Learned counsel for the petitioner submitted that petitioner was appointed as a Mali on 26.07.1997. His services were terminated on 30.06.2000 without complying provisions of the I.D.Act. Petitioner raised an Industrial Dispute by serving demand notice on 29.12.2000. On failure of conciliation proceedings the dispute was referred to Labour Court. Learned counsel for the petitioner submitted that the Labour Court has awarded only compensation while denying reinstatement and other

consequential benefits. Even though, it was recorded that records were not made available by the respondents presumption could have been drawn. Therefore, for no fault of the petitioner, Labour Court has awarded only compensation. Petitioner is entitled for reinstatement with all consequential benefits.

3. Per contra, learned counsel for the respondents submitted that petitioner has worked only for 2 months. No doubt it is true that muster rolls have not been produced in full. However, along with the writ petition, certain muster rolls have been placed on record. In view of muster rolls and the fact that the petitioner has not worked more than 2 months, petitioner is not entitled for reinstatement. So also, not entitled for enhancement of compensation which has been awarded by the Industrial Tribunal, Patiala.

4. Having regard to the fact that petitioner is stated to have worked from 1997 to 2000 and the Labour Court has recorded that the respondents have failed to furnish muster rolls in full, the petitioner is entitled to compensation of Rs.25,000/-. Since the petitioner is stated to have worked as a Mali during the year 1997 to 2000, compensation amount of Rs.25,000 is very less. Therefore, compensation is enhanced to sum of Rs.50,000/-. To that extent the Industrial Tribunal Award has been modified. The respondents are directed to pay compensation of Rs.50,000/- within 2 months from today. Petitioner is entitled to 6% interest if the above compensation amount has not been disbursed within the stipulated time.

5. Civil writ petition stands disposed of.

11.07.2016

pooja saini

(P.B.BAJANTHRI)
JUDGE