

In the High Court of Punjab and Haryana at Chandigarh

Civil Writ Petition No. 22870 of 2012
Date of Decision: 01.2.2016.

Sukhdev Singh

.....Petitioner

Versus

Presiding Officer Industrial Tribunal-cum-
Labour Court, Jalandhar and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Malkeet Singh, Advocate
for the petitioner.

Mr. Neeraj Yadav, AAG, Punjab.

Mr. Vivek Chauhan, Advocate
for respondent No. 3.

SABINA, J.

Petitioner has filed this petition under Article 226 of the Constitution of India challenging the award dated 5.1.2012 (Annexure P-1) whereby relief of reinstatement was declined to him.

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

Parties led their evidence in support of their respective pleas.

The learned Tribunal vide award dated 5.1.2012 (Annexure P-1) held that the services of the petitioner had been illegally terminated with effect from 31.12.1999. The learned Tribunal after appreciating the evidence led by the parties on

record gave a finding of fact that the petitioner had worked with respondent-Panchayat Samiti from 28.10.1996 to 31.12.1999. Since the Panchayat Samiti had stopped the collection of *Adda* fee and had given the said job to the contractor, the learned Tribunal held that instead of reinstatement, petitioner was liable to be compensated.

Learned counsel for the petitioner has submitted that the amount of compensation awarded by the Tribunal was very meagre. Petitioner had worked with the Samiti for more than three years and only ₹ 3423/- had been awarded by way of compensation. Learned counsel has further submitted that the amount of compensation awarded to the petitioner was liable to be enhanced.

Learned State counsel as well as counsel for respondent No. 3, on the other hand, have opposed the petition.

In the present case, the learned Tribunal has given a finding of fact that the petitioner had worked with the Panchayat Samiti from 28.10.1996 to 31.12.1999. Thus, the petitioner had worked with Samiti for more than three years. The Tribunal has only awarded ₹ 3423/- by way of compensation to the petitioner. The said amount of compensation is very meagre *vis-a-vis* the service period of the petitioner rendered with the Samiti.

Accordingly, the impugned award dated 5.1.2012 (Annexure P-1) is modified to the extent that the petitioner would be entitled to receive compensation to the tune of ₹ 1,50,000/- in lieu of ₹ 3423/-. Respondent No. 3 is directed to pay the amount of compensation 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 passing of this order till realization.

Petition stands disposed of accordingly.

**(SABINA)
JUDGE**

February 01, 2016
Gurpreet