

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

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**CWP No. 20890 of 2013(O&M)
Date of decision:17.11.2016**

Karamjit Kaur @ Rani Kaur and another

.... Petitioners

Versus

Presiding Officer and others

.... Respondents

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

Present: Mr. M.K.Kahlon, Advocate for the petitioner.

Mr. J.S.Puri, Advocate for the respondents.

P.B. Bajanthri, J. (Oral)

In the instant writ petition, the petitioner has questioned the order of the Industrial Tribunal dated 04.06.2013. The petitioners are legal heirs of deceased-Leela Singh. Deceased-Leela Singh was appointed as a Gate Keeper on 19.03.2000. His services were terminated on 30.06.2004. The same is disputed by the respondents contending that deceased-Leela Singh was terminated on 10.06.2004. Admittedly, termination order or terminating the services of deceased-Leela Singh is based on certain complaints. The complaints have been taken into consideration by the Committee of the respondents. To that extent they have passed a resolution to terminate the services of the deceased-Leela Singh. Deceased-Leela Singh raised an industrial dispute which was the subject matter before the Industrial Tribunal. The Tribunal held that order of termination is illegal.

However, the compensation of Rs.30,000/- has been awarded. During pendency of the industrial dispute, Leela Singh died on 17.08.2012. Thus legal representatives of Deceased-Leela Singh have come on record to pursue the present CWP.

2. Learned counsel for the petitioner submitted that deceased-Leela Singh has served for more than 3 years. Therefore, grant of compensation of Rs.30,000/- is not sufficient. In fact, deceased-Leela Singh was entitled for reinstatement with continuity of service and back wages for the reasons that his termination was illegal and arbitrary since no enquiry has been held. Due to death of Leela Singh compensation has been awarded.

3. On the other hand, learned counsel for the respondents-Management submitted that deceased Leela Singh's termination is based on the complaints. Complaints have been examined by the Committee and resolution has been passed to terminate the services of the deceased-Leela Singh. Therefore, there is no illegality in the order of termination. Respondents have not filed writ petition. In other words, they have accepted the award passed by the Industrial Tribunal and there is no infirmity in the Award passed by the Industrial Tribunal.

4. Heard learned counsel for the parties.

5. Short question for consideration in the present petition is whether deceased Leela Singh's termination is in accordance with law or not. Admittedly, the Industrial Tribunal has held that termination order is not in accordance with law. However, compensation has been awarded for the reasons that deceased-Leela Singh died during pendency of the industrial dispute as on 04.06.2013. Since, grant of compensation of

Rs.30,000 is not commensurate with the service rendered by the deceased- Leela Singh for more than 3 years, in view of the decision passed by the Supreme Court in the case titled as ***Bharat Sanchar Nigam Ltd. Versus Maan Singh*** reported in 2012(1) SCC 558, the award of compensation is to be enhanced. Accordingly, the Industrial Tribunal Award dated 04.06.2013 is modified to the extent of enhancing compensation of Rs.30,000/- to that of Rs.3 lacs. The respondents are directed to pay compensation of Rs.3 lacs within a period of 3 months from today failing which the petitioners-legal representatives are entitled to interest @ 9% per annum from today on the compensation amount.

17.11.2016

pooja saini

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

Whether speaking/reasons

Yes/No

Whether Reportable:

Yes/No