

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 19082 of 2014

Date of decision: 08.07.2016

Darshan Singh

...Petitioner

Versus

State of Punjab 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: Mr. Swinder Singh, Advocate for the petitioner.

Mr. Neeraj Yadav, AAG, Punjab for respondents No. 1 to 3.

Mr. J.S. Toor, Advocate for respondent No. 4.

P.B.BAJANTHRI, J.(ORAL)

In the instant writ petition, petitioner has questioned the order of the Industrial Tribunal, Patiala dated 06.11.2013 (Annexure P-7). The petitioner-workman was appointed as a Clerk on contract basis on 22.04.1999 by imposing certain conditions. The respondent-Municipal Council, Dera Bassi (Patiala) took a policy decision on 21.05.2003 and consequently the persons who were appointed as Clerk in Octroi, including petitioner, their services came to be dispensed with. On 19.06.2003 the petitioner's services were terminated.

The petitioner-workman contended before the Industrial Tribunal Court that the order of termination is illegal since it was without notice, charge sheet, inquiry or payment of any compensation. It is submitted that he was drawing ₹ 3,000/- per month and he has also completed 240 days service with

Municipal Council . The Labour Court held that the petitioner is not entitled for reinstatement with back wages. Since he was appointed on contract basis for which he has no right for the post. Labour Court relied on two decisions of the Supreme Court and it was ordered that the petitioner be compensated with a sum of ₹ 35,000/- only. The petitioner aggrieved by the order of the Industrial Tribunal dated 06.11.2013, has filed the present petition.

Learned counsel for the petitioner submitted that the petitioner even though appointed on contract basis, there was proposal of regularisation of services by the Municipal Council and the same has been rejected by the order of Deputy Director, Local Bodies. Proposal for regularisation indicates that Municipal Council, Dera Bassi requires services of the petitioner as a Clerk. Therefore, the order of the Industrial Tribunal granting only compensation is not fair. He is entitled to reinstatement with back wages etc.

On the other hand, learned counsel for the respondents submitted that though appointment is temporary on contract, he has no right to seek for reinstatement for regularisation. The Municipal Council, Dera Bassi, took a policy decision to give up octroi on contract basis and petitioner and others were terminated. The termination of the petitioner and others are in the interest of administration and also in public interest, therefore, there is no infirmity in the order of Industrial Tribunal.

Learned counsel for the petitioner alternatively argued that the petitioner is entitled for more compensation than what was awarded by the Industrial Tribunal. The petitioner was on contract basis for 4 years from 27.04.1999 to 19.06.2003, compensation of ₹ 35,000/- awarded by the Industrial Tribunal is too meagre it has been enhanced to ₹ 1,00,000/-. Respondents-

Municipal Council, Dera Bassi are directed to release compensation of ₹ 1,00,000/- within a period of four months from today, failing which the petitioner would be entitled to interest at the rate of 6% per annum from 09.11.2016 onwards.

Petition stands disposed of.

July 08, 2016
Poonam (II)

(P.B. BAJANTHRI)
JUDGE