

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

CWP No.21986 of 2013
Date of decision:24.08.2016

Satish Kumar

....Petitioner

Versus

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

....Respondents

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

Present: Mr. Saurabh Arora, Advocate,
for the petitioner.

Mr. Deepak Saini, Advocate,
for respondent No. 2.

P.B. BAJANTHRI, J. (Oral)

The petitioner has questioned the award dated 31.07.2013.

The petitioner was appointed as Fitter in the respondent-industry on 10.03.1999. On 12.03.2001, the services of the petitioner were dispensed by terminating his service, which was the subject matter before the learned labour Court. On 31.07.2013, the labour Court deciding the reference in favour of the workman that he is entitled for compensation of ₹ 40,000/-.

Feeling aggrieved by the award dated 31.07.2013, the present petition has been filed for setting aside the award dated 31.07.2013 and for direction to respondent No. 2 to reinstate the petitioner with continuity of service and full back wages having regard to the finding of the labour Court in favour of the workman.

On the other hand learned counsel for the respondent No. 2 submits that respondent No. 2-Industry has been closed down in the year 2011, therefore the question of reinstatement with continuity of service and back wages do not arise.

Heard learned counsel for the parties

In view of later development, question of reinstating the petitioner with continuity of service and back wages do not arise. Consequently, the petitioner is entitled for enhancement of compensation from ₹ 40,000/- to ₹ 1.5 lakh. The petitioner has rendered two years of service as Fitter. In view of the Hon'ble Supreme Court decision in **Bharat Sanchar Nigam Limited Vs. Man Singh (2012) 1 SCC 558**, the petitioner is entitled for compensation to a sum of ₹ 1.5 lakh. Respondent No. 2 is directed to pay a compensation of ₹ 1.5 lakh within a period of two months from today failing which the petitioner will be entitled to 9 % interest on the compensation amount.

Petition stands disposed of.

24.08.2016

PA

(P.B. Bajanthri)

Judge

Whether speaking/reasoned Yes/No

Whether reportable Yes/No