

In the High Court of Punjab and Haryana at Chandigarh

**Civil Writ Petition No. 20476 of 2014
Date of Decision: 19.1.2016.**

Babu Lal

.....Petitioner

Versus

Presiding Officer, Industrial Tribunal
Patiala and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. B.S.Saini, Advocate
for the petitioner.

Mr. G.S.Walia, Advocate
for respondent No. 2.

SABINA, J.

Petitioner has filed this petition under Article 226 of the Constitution of India seeking a writ in the nature of certiorari for quashing of impugned award dated 10.4.2014 (Annexure P-1).

Petitioner had raised an industrial dispute challenging his termination. The said dispute was referred for adjudication by the appropriate government to Industrial Tribunal, Patiala. Vide the impugned award, the learned tribunal held that the services of the petitioner had been terminated in violation of provisions of Section 25-F of the Industrial Disputes Act, 1947 ('Act' for short). However, while granting the relief, the learned tribunal held that the petitioner was entitled to receive compensation to the tune of ₹ 15,000/- in lieu of reinstatement with continuity of service and back-wages. Hence, the present petition by the workman.

At the time of issuance of notice of motion, learned

counsel for the petitioner had pressed the claim of the petitioner qua enhancement of compensation.

Learned counsel for the petitioner has submitted that the amount of compensation awarded to the petitioner was liable to be enhanced as the petitioner had rendered more than two years of service.

Learned counsel for respondent No. 2, on the other hand, has opposed the petition and has submitted that in fact, petitioner had never worked with respondent No. 2 and was not entitled to be awarded any relief.

In the present case, the learned tribunal after appreciating the evidence available on record has given a finding of fact that the petitioner had worked with respondent No. 2 from 1.1.2007 to 20.2.2009. Further the learned Tribunal has held that the services of the petitioner had been terminated in violation of provisions of Section 25-F of the Act. The award passed by the tribunal has not been challenged by the management. Hence, the finding of fact arrived at by the learned tribunal qua the services rendered by the petitioner and to the effect that the services of the petitioner had been terminated in violation of Section 25-F of the act, cannot be interfered with in this writ petition. Keeping in view the fact that the petitioner had rendered more than two years of service with respondent No. 2, the amount of compensation awarded by the learned Tribunal is liable to be enhanced as the amount of compensation to the tune of ₹ 15,000/- awarded by the learned tribunal appears to be on the lower side.

Accordingly, the impugned award dated 10.4.2014 (Annexure P-1) is modified to the extent that petitioner would be

entitled to receive compensation to the tune of ₹ 1,00,000/- instead of ₹ 15,000/-. Respondent No. 2 is directed to make the payment of the said amount to the petitioner within two months from the receipt of certified copy of the 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 this order till realization.

Petition stands disposed of accordingly.

**(SABINA)
JUDGE**

January 19, 2016
Gurpreet