

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

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**CWP No. 26175 of 2013(O&M)
Date of decision:25.10.2016**

Sudeep Kaur

.... Petitioner

Versus

The Presiding Officer, Industrial Tribunal, Patiala and another

.... Respondents

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

Present: Mr.I.D.Singla, Advocate for the petitioner.

Mr. Gurdip Singh, Advocate for respondents No. 2.

P.B. Bajanthri, J. (Oral)

In the instant writ petition, the petitioner has questioned the validity of the Award dated 25.04.2013 passed by the Industrial Tribunal, Patiala vide Annexure P3. The petitioner is stated to have been appointed as a Clerk with the respondent-Indian Red Cross-Society, District Branch, Fatehgarh Sahib. The Deputy Commissioner of the District is the President of the said society at the district level. Petitioner's services were terminated on 31.08.1999. The respondents after extracting work from the petitioner for 5 years terminated her services without any benefit only on the sole ground that the post was abolished. Consequently, petitioner raised a dispute which was the subject matter before the Industrial Tribunal, Patiala. On 25.04.2013, Industrial Tribunal, Patiala directed the respondent to pay compensation of Rs.25,000/- within 2 months. Feeling aggrieved by the Award passed by the Labour Court, present petition has been presented.

2. Learned counsel for the petitioner submitted that the petitioner has worked for 5 years and she is entitled for reinstatement with continuity of service and back wages.

3. Per contra, learned counsel for the respondent submitted that the post held by the petitioner was abolished. Consequently, her services have been terminated. Therefore, question of reinstatement with continuity of service and back wages do not arise. It was further submitted that the respondents are ready to comply the award passed by the Labour Court dated 25.04.2013.

4. Award of compensation of Rs.25,000/- by the Labour Court is not reasonable since the petitioner have served for about 5 years . Therefore, the respondent No. 2 is directed to pay compensation of Rs. 2,50,000/-, to that extent Award passed by the Labour Court dated 25.04.2013 is modified. Enhancement of award is in terms of the Supreme Court's decision viz., *Bharat Sanchar Nigam Limited versus Mann Singh* reported in 2012(1)SCC558.

5. Civil writ petition is allowed in part. The respondents are directed to pay compensation of Rs.2,50,000/- within a period of 4 months from today. If the compensation of Rs.2,50,000/- is not paid within 4 months, the petitioner is entitled to interest on the compensation amount @9% per annum from today.

25.10.2016

pooja saini

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

Whether speaking/reasons

Yes/No

Whether Reportable:

Yes/No