

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

CWP No. 27169 of 2015
Date of decision: 08.09.2016

Deb Singh

....Petitioner

Versus

Presiding Officer, Labour Court, Ambala and others

....Respondents

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

Present: Mr. Jagram Singh Cooner, Advocate,
for the petitioner.

Mr. Keshav Gupta, AAG, Haryana.

P.B. BAJANTHRI, J. (Oral)

In the instant writ petition, the petitioner has questioned the award passed by the Labour Court dated 06.05.2008.

The petitioner is stated to have been appointed as daily wager in the year 1996 and his services were terminated on 27.11.2005. The labour Court recorded the finding of para 10 relating to that the petitioner has worked for 240 days or not. Further since the petitioner was only a daily wager, he is not entitled to reinstatement with back wages has been taken note of and discussed in para 13. Thus the labour Court has dismissed the claim of the petitioner.

Learned counsel for the petitioner submits that even though the petitioner was appointed on daily wage basis, he has rendered service from 1996 to 2005. Therefore, he is entitled for

reinstatement with back wages. He further submits that his daily wages services has to be regularized with reference to policy of the State Government.

On the other hand learned State counsel submits that the petitioner was only a daily wager there is no violation of Section 25-F of the Industrial Disputes Act. That apart even his service cannot be considered for the purpose of regularization in view of Umadevi judgment. Hence there is no error committed by the labour Court in declining to grant relief to the petitioner.

Heard learned counsel for the parties.

Admittedly, the petitioner is a daily wager. He has worked from 1996 to 2005. Even though he is not entitled for regularization, however, his services have been dispensed in the year 2005 about 11 years back so therefore in order to give contest to the matter, the petitioner is entitled for compensation in view of the decision of the Supreme Court in the case of ***Bharat Sanchar Nigam Limited Vs. Man Singh (2012) 1 SCC 334***. Accordingly, the respondents are directed to pay compensation of ₹ 3 lakh within a period of 6 months from today failing which the petitioner is entitled to interest from the date of judgment @ 9% per annum.

Petition stands disposed of accordingly.

08.09.2016

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(P.B. Bajanthri)
Judge

Whether speaking/reasoned Yes/No

Whether reportable Yes/No