

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.5445 of 2013
Date of Decision:- 28.7.2016.

Jagat Ram through his LRs

.....Petitioners

Versus

The Presiding Officer, Industrial Tribunal, Jalandhar and others

.....Respondent

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

Present: Mr. Arun Abrol, Advocate for the petitioner.

Mr. Y.P. Khullar, Advocate for the respondents.

P.B. BAJANTHRI, J. (Oral)

In the instant writ petition, the petitioner has assailed the award passed by the Industrial Tribunal, Jalandhar dated 09.05.2012 (Annexure P-8).

The petitioner joined the Electricity Board Department -respondents as a Work Charge T-mate on 01.06.1972. It is learnt that he has earned promotion to the cadre of Assistant Lineman. Thereafter, due to domestic problem, the petitioner is stated to have remained absent in the month of July, 1995. The respondents have not passed any order of termination as on 30.7.1995. They proceeded to hold disciplinary proceedings and ultimately, termination order was passed on 19.12.2008. It is undisputed that

there is a lapse on both the petitioner as well as respondents. Petitioner remained absent and the respondents failed to complete inquiry proceedings within reasonable period in the year 1995. They have taken 13 long years to complete the disciplinary proceedings and in terminating the services of the petitioner. Having regard to the conduct of both the petitioner as well as respondents and in order to give quietus to the litigation, the petitioner's legal heirs who are now stated to be majors are entitled for compensation. The respondents are directed to pay compensation of ₹ 5,00,000/- for the reasons that deceased-petitioner has discharged duties of the post held him for more than 23 years. Even assuming that he was/is in service during the period from 1995 to 2005, he would be deemed to be under suspension and entitled for subsistence allowance. In view of these facts and circumstances, the respondents are directed to pay compensation of ₹ 5,00,000/- to the legal heirs of petitioner within a period of six months from today. If the compensation is not paid within six months, the petitioner's – legal heirs are entitled to interest @ 9 % per annum after completion of six months.

Writ petition stands disposed of.

(P.B. BAJANTHRI)
JUDGE

July 28, 2016.

sandeep sethi

Whether speaking/reasoned:

Yes / No

Whether Reportable:

Yes / No.