

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

1. CWP No.5222 of 2014

Ram Lakhan ... Petitioner

Vs.

Presiding Officer and another ... Respondents

2. CWP No.5256 of 2014

Shankar Singh ... Petitioner

Vs.

Presiding Officer and another ... Respondents

Date of Decision:19.12.2016

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

Present : Mr. Sumit Jain, Advocate for the petitioner (s)
Mr. Sachin Mittal, Advocate for respondent No.2.

P.B. BAJANTHRI J. (ORAL)

By this common judgment, both the aforementioned writ petitions shall be decided together as issue involved in these petitions is identical.

The petitioners have questioned the validity of the award passed by the Labour Court dated 15.10.2013. The petitioners are conductor and driver respectively. They were appointed by respondent No.2-M/s Starex International School in the year 2003-04. Their services were terminated on 19.7.2007.

While ordering notice of motion on 20.3.2014 in CWP No.5222 of 2014, notice was issued only in respect of grant of compensation.

Learned counsel for the petitioner (s) submitted that the petitioner (s) have worked from 2003 to 2007. Therefore, compensation is required to be enhanced with reference to the decision of the Apex Court in

BSNL Ltd. v. **Man Singh**; (2012) 1 SCC 558.

On the other hand, learned counsel for respondent No.2 disputed the entry into service by the petitioner (s) to the extent that they have entered into service only in the year 2006.

Perusal of the records shows that the petitioner (s) have worked from 2004. However, for the year 2003, no material is available.

Thus, these petitions are disposed of modifying the award passed by the Labour Court in granting a sum of Rs.25000/- as compensation to that of payment of compensation of Rs.2,00,000/- to each of the petitioner. The respondents are directed to pay the same within a period of four months from today. If the compensation as aforesaid is not paid within four months from today, the petitioners are entitled to interest @ 6% per annum from today.

The writ petitions stand disposed of in the above terms.

19.12.2016
rajeev

(P.B. Bajanthri)
Judge

Whether speaking/reasoned **Yes/No**

Whether reportable **Yes/No**