

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

(228)

CWP No. 8263 of 2014

Date of Decision: 07.11.2016

Des Raj

.....Petitioner(s)

Versus

Industrial Tribunal, Patiala and Others

.....Respondent(s)

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

Present: Mr. T.S. Sidhu, Advocate
for the petitioner.

Mr. Ayush Arora, Advocate for
Mr. Sumit Jain, Advocate
for respondents No. 2 to 4.

P.B. BAJANTHRI, J. (Oral)

In the instant writ petition, the petitioner has assailed the order of the Industrial Tribunal dated 02.09.2013 by which it is held that the petitioner is entitled to compensation of ₹ 25,000/- and the same shall be paid within a 45 days of the publication of the award, failing which, the petitioner will be entitled to awarded amount along with interest @ 9% per annum.

2. The petitioner is stated to have worked as daily wager from 01.01.1996 to 28.02.2001. Admittedly, there is a violation of Section 25-F of the Industrial Dispute Act, 1947, since the petitioner is out of service from 28.02.2001 instead of reinstatement he is entitled to compensation as awarded by the Industrial Tribunal. However, having regard to the five

years of service rendered by the petitioner and there is a violation of Section 25-F of the Industrial Dispute Act, 1947 in terminating the services of the petitioner, the compensation awarded by the Labour Court, the sum of ₹ 25,000/- is too meager. The Apex Court in the case of **Bharat Sanchar Nigam Limited versus Man Singh, (2012) 1 SCC 558** held that instead of reinstatement and back wages, compensation is sufficient to give rest to litigation wherein workman is not in service for a longer period read with award. Petitioner is entitled to compensation of ₹ 3 lacs. Hence the compensation awarded by the Labour Court is modified from ₹ 25,000/- to ₹ 3 lacs. Compensation of ₹ 3 lacs be paid by the respondents within a period of four months from today. If the enhanced compensation is not settled within the stipulated period, the petitioner is entitled to interest @ 6% per annum on the compensation amount of ₹ 3 lacs from today.

3. Accordingly, Petition stands disposed of.

(P.B. BAJANTHRI)
JUDGE

07.11.2016

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No