

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

LPA-1966-2014 (O&M)

Date of Decision:-14.07.2016

Prahlad Bhagat

...Appellant

Versus

P.O. Industrial Tribunal Patiala & Anr.

...Respondents

**CORAM: HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR.JUSTICE SHEKHER DHAWAN**

Present:- Mr. Parvesh Saini, Advocate,
for the appellant.

Mr. P.K.Mutneja, Advocate,
for the respondent No.2.

MAHESH GROVER, J.

This Letters Patent Appeal is against the order of the learned Single Judge dated 12.08.2014. Learned counsel for the appellant contends that ₹50,000/- awarded by the Industrial Tribunal on account of compensation and upheld by the learned Single Judge, is inadequate on account of unjust action of the respondent-management of his dismissal from service.

We noticed that proceedings under Section 11-A of the Industrial Disputes Act, 1947 (hereinafter referred to 'the Act') were initiated before the Tribunal requiring it to adjudicate on the justification of the dismissal. The Tribunal held that the order of dismissal was justified yet ordered compensation of ₹50,000/-. Evidently, the Tribunal exceeded its jurisdiction under Section 11-A of the Act which is reproduced hereunder:

“11A. Powers of Labour Courts, Tribunals and National Tribunals
to give appropriate relief in case of discharge or dismissal of

workmen. Where an industrial dispute relating to the discharge or dismissal of a workman has been referred to a Labour Court, Tribunal or National Tribunal for adjudication and, in the course of the adjudication proceedings, the Labour Court, Tribunal or National Tribunal, as the case may be, is satisfied that the order of discharge or dismissal was not justified, it may, by its award, set aside the order of discharge or dismissal and direct re-instatement of the workman on such terms and conditions, if any, as it thinks fit, or give such other relief to the workman including the award of any lesser punishment in lieu of discharge or dismissal as the circumstances of the case may require:

Provided that in any proceeding under this section the Labour Court, Tribunal or National Tribunal, as the case may be, shall rely only on the materials on record and shall not take any fresh evidence in relation to the matter.”

The Tribunal has the jurisdiction to declare the order of discharge or dismissal as illegal and direct reinstatement, but finding that dismissal was justified, could not have fastened the management with the liability of ₹50,000/-. However, since number of years have passed and the learned Single Judge has also declined to interfere on the issue of compensation by maintaining it, we would not deem it appropriate to unsettle the terms of the award, at this stage.

Dismissed.

(MAHESH GROVER)
JUDGE

July 14, 2016

mohan

(SHEKHER DHAWAN)
JUDGE