

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

DATE OF DECISION : 4.11.2016

1. L.P.A. No.1856 of 2015 (O&M)
Municipal Committee, Nilokheri
versus
Presiding Officer, Labour Court, Panipat and another
2. L.P.A. No.1857 of 2015 (O&M)
Municipal Committee, Nilokheri
versus
Presiding Officer, Labour Court, Panipat and another
3. L.P.A. No.1858 of 2015 (O&M)
Municipal Committee, Nilokheri
versus
Presiding Officer, Labour Court, Panipat and another
4. L.P.A. No.1859 of 2015 (O&M)
Municipal Committee, Nilokheri
versus
Presiding Officer, Labour Court, Panipat and another
5. L.P.A. No.1860 of 2015 (O&M)
Municipal Committee, Nilokheri
versus
Presiding Officer, Labour Court, Panipat and another
6. L.P.A. No.1861 of 2015 (O&M)
Municipal Committee, Nilokheri
versus
Presiding Officer, Labour Court, Panipat and another
7. L.P.A. No.1862 of 2015 (O&M)
Municipal Committee, Nilokheri
versus
Presiding Officer, Labour Court, Panipat and another
8. L.P.A. No.1863 of 2015 (O&M)
Municipal Committee, Nilokheri
versus
Presiding Officer, Labour Court, Panipat and another

9. L.P.A. No.1864 of 2015 (O&M)
- Municipal Committee, Nilokheri**
versus
Presiding Officer, Labour Court, Panipat and another
10. L.P.A. No.1880 of 2015 (O&M)
- Municipal Committee, Nilokheri**
versus
Presiding Officer, Labour Court, Panipat and another
11. L.P.A. No.260 of 2016 (O&M)
- Municipal Committee, Nilokheri**
versus
Presiding Officer, Labour Court, Panipat and another
12. L.P.A. No.266 of 2016 (O&M)
- Municipal Committee, Nilokheri**
versus
Presiding Officer, Labour Court, Panipat and another
13. L.P.A. No.267 of 2016 (O&M)
- Municipal Committee, Nilokheri**
versus
Presiding Officer, Labour Court, Panipat and another
14. L.P.A. No.268 of 2016 (O&M)
- Municipal Committee, Nilokheri**
versus
Presiding Officer, Labour Court, Panipat and another

CORAM : HON'BLE Mr.JUSTICE MAHESH GROVER
HON'BLE Mr.JUSTICE SHEKHER DHAWAN

Present:- Shri D.S.Nalwa, Advocate for the appellant.
Mrs.Abha Rathore, Advocate for respondent No.2.

MAHESH GROVER, J.

By this order we dispose of L.P.A. Nos.1856 to 1864 and 1880 of

2015, L.P.A. Nos.260,266,267 and 268 of 2016 which are directed against the judgment of the learned Single Judge.

We need not go into the facts in detail as the only issue raised before us is regarding the quantum of compensation awarded to the respondent/workman. The learned Single Judge has granted Rs.2 lacs to each workman to be paid within 8 weeks from the date of passing of the impugned judgment failing which it would attract an interest at the rate of 8% per annum.

Learned counsel for the appellant contends that considering the length of service of each workman to be less than one year with the termination relating back to the year 2003, the compensation of Rs.2 lacs is highly excessive. In support of his contention, he has placed reliance upon a decision of the Hon'ble Supreme Court in **State of U.P. v. Parvez Akhtar** 2015(2) S.L.R. 284, wherein a compensation of Rs.1.5 lacs was awarded to the workman who had worked for as long as 9 years.

As against this, learned counsel for the respondent/workman while opposing the prayer of the appellant, has placed reliance on a decision of this Court in L.P.A. No.391 of 2013 titled **Punjab State Transmission Corporation Ltd. @ Punjab State Power Corporation Ltd., Patiala and others v. Raj Pal and others** decided on 25.2.2014.

We have heard learned counsel for the parties.

It is not in dispute that all the workmen in the present cases have worked for about 8 to 10 months. In the case relied upon by the learned Single Judge i.e. **B.S.N.L. v. Bhurumal** 2014(7) S.C.C.177, the underlying principle that was laid down is that once the Labour Court concludes that services of the workman have been wrongfully retrenched, reinstatement is not an automatic consequence as it would depend upon various factors such as length of service etc. Grant of back wages or compensation was one of the relevant factors that ought to have been considered by the Labour Court. There are, however, no parameters

prescribed for assessing such a compensation in the event of the Court coming to such a conclusion. Evidently, the length of service rendered by the workman would form a crucial factor while assessing compensation.

We feel that the workman who has put in less than one year of service i.e. 8 to 10 months which is the admitted case in all these appeals, grant of Rs.2 lacs as compensation is slightly on the excessive side particularly when the appointment and the termination took place within the same year i.e. 2003 itself.

We are of the opinion that interest of the workman would be adequately subserved if the compensation of Rs.1 lac instead of Rs.2 lacs is awarded. This amount of Rs.1 lac would be paid to each of the workman within six weeks from today failing which it shall carry an interest at the rate of 8% per annum as mandated by the learned Single Judge of this Court.

With the aforesaid observations, all the appeals are dismissed.

(MAHESH GROVER)
JUDGE

(SHEKHER DHAWAN)
JUDGE

November 4, 2016
GD

Whether speaking/reasoned	Yes
Whether reportable	Yes/No