

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

LPA No.2405 of 2016 (O&M)

Date of Decision : 14.12.2016

The Secretary, Punjab State Power Corporation
Limited and another

....Appellants

Versus

Jagat Ram and another

....Respondents

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

...

Present: Ms.Jaspal Kaur Gurna, Advocate
for the appellants.

....

MAHESH GROVER, J.

This appeal is directed against the judgment of the learned
Single Judge dated 28.07.2016.

Before proceeding we notice that the writ petitioner- Jagat
Ram expired during the pendency of the proceedings and the writ was
prosecuted by his legal representatives. However, the present appeal
does not reflect the names of the legal representatives of deceased
Jagat Ram and he has been impleaded as a party respondent. We,
however, attribute it to be an oversight of the learned counsel for the
appellants and while condoning it would direct that in the Memo of
Parties respondent No.1 be read as 'Jagat Ram son of Sh.Virsa Ram
through his legal representatives'.

Jagat Ram deceased joined the Electricity Board as Work
Charge T-Mate on 01.06.1972. Thereafter, he was promoted as

regular T-Mate and on 30.09.1982 he was promoted as Assistant Lineman. He remained absent from duty in the month of July, 1995. Consequently, disciplinary proceedings were initiated against him and it took 13 long years to complete the same. His services were terminated on 19.12.2008 with effect from 30.07.1995. He raised an industrial dispute before the Industrial Tribunal but his claim was rejected vide award dated 09.05.2012. In the writ proceedings filed against the said award the learned Single Judge directed the appellants to pay compensation of Rs.5 lacs to the legal heirs of the deceased workman for the reason that he had discharged duties for more than 23 years.

The appellants question the judgment of the learned Single Judge limited to the aspect of compensation granted to the legal heirs of deceased Jagat Ram. The facts as noticed in the impugned judgment as also gathered from the material on record indicate that the deceased workman was an employee with the present appellants for over 23 long years when he defaulted by absenting from duty leading to a charge of dereliction of duty. Eventually, after 13 years of prolonged inquiry proceedings his services were terminated on 19.12.2008 w.e.f. 30.07.1995 relating it back to the misconduct of being absent from duty.

The learned Single Judge noticed the fact of the workman being in continuous employment of the appellants for 23 years and treating the period of absence from duty as relatively insignificant to the number of years put in by the workman and also noticing the

period of 13 long years that the appellants took to conclude the inquiry proceedings, held the legal heirs of the workman entitled to compensation of Rs.5 lacs.

Before us no significant argument has been raised to question the impugned judgment on the point of compensation. We do not find this to be excessive and rather feel it justified considering that the workman was made to undergo the ordeal of inquiry proceedings for around 13 years to keep him away from active service. No justification has been offered for this lapse by the appellants. This coupled with the fact that an employee who remained absent for few days for sporadic period spread out from September 1995 to November 1995 would not indicate such a serious lapse to submit the employee to the agony of prolonged inquiry proceedings spread for over more than a decade. We thus do not find any reason to interfere with the impugned judgment and dismiss the same on merits as also on delay which is also largely unexplained.

(MAHESH GROVER)
JUDGE

14.12.2016
dss

(SHEKHER DHAWAN)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No