

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

LPA No.461 of 2016

Date of Decision : 28.3.2016

M/s K.L.Steel Industries

....Appellant

Versus

Presiding Officer, Industrial Tribunal
and another

...Respondents

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MRS.JUSTICE LISA GILL

....

1. Whether Reporters of Local Newspapers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

...

Present: Mr.G.S.Walia, Advocate
for the appellant.

.....

MAHESH GROVER.J.

The appellant has filed the instant appeal impugning the judgment of the learned Single Judge dated 19.1.2016 entitling the respondent No.2-workman to a compensation of Rs.1,00,000/- instead of Rs.15,000/- which was awarded by the Industrial Tribunal.

A categoric finding was recorded by the Tribunal while awarding the compensation of Rs.15,000/- that the workman had completed 240 days and a violation of the provisions of Section 25-F of the Industrial Disputes Act by the appellant while terminating his services. These findings were never impugned by the appellant and it is the workman who challenged the award. The

learned Single Judge noticing the period of employment rendered by the workman enhanced the compensation from Rs.15,000/- to Rs.1,00,000/-. It is now at that stage that the appellant questions the finding of the Tribunal to contend that there was sufficient material which can off set the finding of the respondent being a workman in terms of the provisions of the Industrial Disputes Act.

We are afraid that it is too late in the day to take such a plea by the appellant when he did not challenge it in the first instance. Even when he was on notice in the writ petition, no attempt was made to challenge these findings recorded by the Tribunal which now stares at him in the face.

We are of the opinion that the appellant cannot be permitted to raise this issue at this stage of the proceedings. Apart from this, no other argument has been raised by the appellant.

Thus we do not find any infirmity in the impugned judgment which has proceeded to determine compensation on the unassailed findings of the workman having completed 240 days and a violation of Section 25-F, as recorded by the Industrial Tribunal.

Dismissed.

(MAHESH GROVER)
JUDGE

28.3.2016
dss

(LISA GILL)
JUDGE