

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.5488 of 1997

Date of Decision: 23.03.2017

Mohinder singh

...Petitioner

Vs.

Director Food & Spplies, Punjab, Chandigarh & Ors

...Respondents

CORAM:- HON'BLE MR.JUSTICE RAJIV NARAIN RAINA

Present: Nemo.

RAJIV NARAIN RAINA, J. (Oral)

1. The petitioner is the workman. He has filed this petition against the award dated January 06, 1997 passed by the Presiding Officer, Labour Court, Patiala praying that it deserves to be set aside and his demand notice be accepted.

2. This petition was admitted on April 24,1997. After admission the petitioner has not deposited the process fee and, therefore, the respondents remain without notice of this petition since summons remain without service on the respondent management these intervening years. The office has posted this case for want of payment of process fee and for orders. I do not think it justified to delay the matter any longer and call upon the petitioner to deposit process fee for summons to be issued after long passage of time to spring a surprise on the opponent. Notwithstanding, I have read the award especially in para. 11 of the judgment. The crux of the case is best understood by reproducing the reasoning of the Judge and hence the same is extracted to read:-

*“That the Labour Court held that termination
amounted to retrenchment and the same was bad*

in law as it was effected without any notice or compensation. However, the Labour Court wrongly placed reliance on the vague shaky and uncorroborated statement that the petitioner had become surplus without verifying whether procedure for declaring surplus was followed. Finally the Labour Court illegally declined the relief of reinstatement in service with back-wages and wrongly granted payment of compensation of Rs.15,000/- in lieu of reinstatement by relying on judgement of this Hon'ble Court in CWP No. 241 of 1987 decided on 21.03.1995 which is not applicable to the facts of the present case.”

3. I have no reason to disagree with the findings of the Labour Court and the reasoning adopted by it to hold that with the declaration of surplus by the employer alongwith other employees rendered redundant the question of reinstatement would not arise. While reinstatement has been denied the labour court has moulded relief to award compensation of ₹ 15,000/- in lieu of reinstatement to be paid from the date of publication of the award in the Punjab Government Gazette failing which the management would be liable to pay interest @ 12% per annum from the date of the award till realization. Since the award was not stayed by this Court, I assume that the compensation must have been received by the petitioner from the respondents. If not, he would still have a subsisting right to claim the amount from the management upon which he can approach them by making a representation and the money together with interest shall be paid within the next 2 months from notice of this order officially received.

4. With these observations, the award is affirmed as legal and

valid and the petition is dismissed as it suffers from no error apparent on the face of record.

5. Copy of the order be sent to the parties.

(RAJIV NARAIN RAINA)
JUDGE

23.03.2017
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<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>