

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

CWP No.8807 of 1996
Date of Decision: 5.5.2017

M/s The Karnal Cooperative Sugar Mills Ltd. ... Petitioner

Versus

The Presiding Officer, Labour Court and another ... Respondents

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

Present: Mr.P.K. Mutneja, Advocate for the petitioner

None for respondent no.2

RAJIV NARAIN RAINA, J. (Oral)

1. As per office note, Mr.Naveen Daryal, learned counsel for respondent no.2 has been informed of the date of hearing but has not turned up today. It has been made clear in the office Note in the Cause List that no adjournment will be granted in old Regular Cases which are taken up for final disposal in the Urgent List. This writ petition has been filed in the year 1996. Two decades have flown by. This Court is left with no option, but to dispose of this petition after hearing the learned counsel for the petitioner.

2. The Presiding Officer, Industrial Tribunal-cum-Labour Court, Panipat has answered the reference partly in favour of the workman by awarding reinstatement to service for want of compliance of the conditions precedent in Section 25F of the Industrial Disputes Act, 1947 ("the Act"). However, the Labour Court has denied back wages. The workman has not come to Court for enhancement.

3. The operation of the award was stayed by this Court on 14th June, 1996, subject to the provisions of Section 17B of the Act. After more

than two decades, it would serve no useful purpose to consider reinstatement of a seasonal workman in a sugar mill. In any case, reinstatement is not automatic on declaration of the order being illegal for want of compliances of the law. Relief can be moulded.

4. Learned counsel for the petitioner submits that if at this stage, reinstatement is contemplated even then it should not be granted as it is not possible, then it may at best be a case of compensation in lieu of reinstatement.

5. I have considered the arguments of the learned counsel for the petitioner. I find that there is no life left in this petition. It is not even a case for grant of compensation in lieu of reinstatement. The period of service is too brief in any given year of work. For instance, in the crushing season of the year 1984-85, the workman was employed for only 83 days. The same is the position in the crushing season of the year 1986-87 in which the workman worked for just 128 days. The workman did not work in any other year. This desultory employment should not be converted into reinstatement.

6. In view of the above, this petition is allowed and the impugned award dated 1st March, 1995 is set aside.

5.5.2017
MFK

(RAJIV NARAIN RAINA)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
No