

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

**CWP No.13039 of 2011(O&M)
Date of Decision: 15.05.2017**

Maharishi Dayanand University, Rohtak

... Petitioner

Versus

The Presiding Officer, Industrial Tribunal cum
Labour Court, Rohtak & anr.

... Respondents

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

Present: Mr. Anurag Goyal, Advocate,
for the petitioner.

None for respondent No.2.

RAJIV NARAIN RAINA, J.(Oral)

C.M. No.4838 of 2017

Application is allowed. Documents (Annex P-6 & P-7) are taken
on record.

CWP No.13039 of 2011

1. The employee died pending trial before the Labour Court. His
LRs were brought on record. The challenge in this petition is to the award
granting 50% back wages of which beyond 20% was stayed by interim order
dated 25.7.2011. Attempts have been made to serve his LRs in the normal
way which efforts have remained unsuccessful. Substituted service was
allowed and publication in newspaper has been done by the petitioner-
management. Proof of publication has been placed on record together with
an affidavit presented through an application (C.M. No.4838 of 2017).

2. No one appears for the LRs. at the time of hearing. They are
proceeded against ex parte. Court proceeds to hear the petitioner for final

disposal.

3. Reinstatement is out of the question since the workman died during trial. As far as back wages are concerned, the issue has been considered in the light of the length of service put by late Ranvir Singh who worked as a Securityman-cum-Chowkidar in the Maharishi Dayanand University-petitioner in the instant case. The appointment was on 7.8.1998 and the services of the late Ranvir Singh were terminated on 24.3.2000. The period of service is about 1 year and 8 months, which is rather brief. 30% balance wages (beyond 20% stayed by this Court) would not amount to an exorbitant figure considering that late Ranvir Singh was appointed on ad hoc basis for 89 days in the pay of ₹750+30/- special pay in the scale of ₹750-940 with efficiency bar to be crossed at ₹870/-. The total amount would come to ₹780/- per month multiplied by the number of months worked which amount is a trifling sum. Even if the stay is lifted still the amount of compensation makes a small figure for illegal termination without complying with the provisions of the ID Act. I would refuse to exercise extraordinary discretionary jurisdiction to interfere with the award and would hold that LR's are entitled to computation of a sum of 50% of the back wages for the short duration of service as awarded.

4. Accordingly, this petition is dismissed with a direction to the petitioner to calculate the amount of money due under the award and to keep it preserved in a fixed deposit in the name of the LR's to be deposited with the Registrar General of this Court till such time it is claimed by the respondent LR's of late Ranvir Singh.

6. Copy of this order be sent to respondent No.2 i.e. Smt. Pyari Devi widow of Ranvir Singh, R/o Village Chimni, Tehsil Beri, Distt. Jhajjar

(Haryana) and Sarpanch of the village.

15.05.2017
monika

(RAJIV NARAIN RAINA)
JUDGE

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