

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.11146 of 2012

Date of Decision:-19.07.2017.

Ram Chander (Since deceased) through LRs.

.....Petitioner

Versus

Presiding Officer, Labour Court, Patiala and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present: Mr. Sukhmani Patwalia, Advocate for the petitioner.

Mr. I.S. Sidhu, Advocate for respondent Nos.2 and 3.

P.B. BAJANTHRI, J. (Oral)

In the instant writ petition, petitioner has assailed the award dated 13.01.2010 (Annexure P-1).

Petitioner was appointed as a Tubewell Operator in the respondent-Department on 01.02.1974 and worked upto 20.8.1982. Thereafter, he did not report for duty. The respondents have also not taken any action for remaining unauthorized absent to the extent of holding any departmental inquiry except issuing notice. Petitioner, for the first time in the year 1988, issued a demand notice and proceeded to agitate his right under the Industrial Disputes Act, 1947. The Labour Court has passed an award of compensation to the extent of ₹ 75,000/- instead of reinstatement with back wages. Thus, award of the Labour Court is under challenge.

Learned counsel for the petitioner submitted that petitioner has rendered 9 years of service. Therefore, award of ₹ 75,000/- is too meagre. For the purpose of enhancement of compensation, she relied on Supreme Court decision

also decision passed by this Court in **CWP No.24987 of 2012 (Gurjit Singh Vs. Industrial Tribunal, Patiala and another)** to state that petitioner is entitled for appropriate compensation to the extent granted in the above cited cases.

On the other hand, learned counsel for respondent Nos.2 and 3 vehemently submitted that having regard to the petitioner's conduct between 1982 to 1988, petitioner is not entitled for enhanced compensation. Petitioner remained unauthorized absent. Therefore, question of enhancement of compensation as awarded by the Labour Court is impermissible.

Heard learned counsel for the parties.

Having regard to the fact that petitioner has rendered service from 01.02.1974 to 20.8.1982 and the fact that petitioner kept quiet between 1982 to 1988, petitioner is not entitled for reinstatement with back wages as held by the Labour Court. Insofar as enhancing of compensation of ₹ 75,000/- is concerned, having regard to the fact that petitioner has rendered 9 years of service. Thus, respondents are liable to pay compensation of ₹ 3,00,000/-. To that extent award of the Labour Court in awarding compensation from ₹ 75,000/- to ₹ 3,00,000/- is modified. The compensation would be paid within a period of 4 months from today, failing which petitioner is entitled to interest @ 6% per annum.

Petition stands allowed.

(P.B. BAJANTHRI)
JUDGE

July 19, 2017.
sandeep sethi

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.