

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.10165 of 2013.

Date of Decision:-24.07.2017.

Jarnail Singh

.....Petitioner

Versus

Industrial Tribunal, Patiala and others

.....Respondent

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

Present: Mr. R.K. Mattoo, Advocate for the petitioner.

Mr. M.S. Dhami, Advocate for

Mr. Y.P. Singla, Advocate respondent Nos.2 and 3.

P.B. BAJANTHRI, J. (Oral)

In the instant writ petition, petitioner has assailed the award passed by the Labour Court dated 25.10.2012 (Annexure P-1) to the extent of grant of compensation of ₹ 20,000/-.

2.) Petitioner was appointed as a Beldar in the Seed Farm Beer Bhadson on 6.9.1979. Seed Farm is part and parcel of Punjab Land Development Reclamation Corporation, Chandigarh. Petitioner's services were continued upto 06.02.1997. Thereafter, his services were terminated. Thus, the petitioner raised an industrial dispute. Industrial Tribunal while appreciating the fact that the petitioner's termination is illegal and on the ground that respondent No.3 Seed Farm was closed on 23.12.1996, therefore, proceeded to award a compensation of ₹ 20,000/-. Thus, the present petition.

3.) Learned counsel for the petitioner vehemently contended that petitioner has worked from 06.09.1979 to 06.02.1997. Grant of compensation of ₹ 20,000/- is too meagre. Respondent Farm is stated to have been closed in the year 1997 whereas, the Punjab Land Development and Reclamation Corporation Limited was closed in the year 2003. In view of these factual aspects, no doubt petitioner has not been reinstated with back wages at the same time granting of compensation of ₹ 20,000/- is arbitrary.

4.) Per contra learned counsel for the respondents submitted that Seed Farm was closed on 23.12.1996 and not in the year 1997 as contended by the petitioner. It was further submitted that Punjab Land Development and Reclamation Corporation Limited under which the Seed Farm was created, closed in the year 2003. Having regard to the service rendered by the petitioner is for the period from 1979 to 1997, grant of compensation of ₹ 20,000/- is reasonable and there is no infirmity in the award passed by the Labour Court dated 25.10.2012 (Annexure P-1)

5.) Heard learned counsel for the parties.

6.) Undisputedly, petitioner has worked from 06.09.1979 to 06.02.1997. It is so also not disputed that the Seed Farm and the Corporation were closed in the year 1996 and 2003, respectively. Since the petitioner has rendered service from 1979 to 1997 grant of compensation of ₹ 20,000/- is too meagre, therefore, petitioner is entitled for enhancement of compensation from ₹ 20,000/-. Supreme Court in the case of **Bharat Sanchar Nigam Limited v. Bhurumal (2014) 7 SCC 177** in para 33 it is held that instead of reinstatement, granting compensation would suffice the situation with reference to the date of termination and date of award.

Therefore, award dated 25.10.2012 (Annexure P-1) is modified to the extent of granting compensation from ₹ 20,000/- to ₹ 3,00,000/-. Enhanced compensation shall be disbursed to the petitioner within a period of 4 months from today, failing which the petitioner is entitled for interest @ 6% per annum, from the date of filing of this petition.

7.) Petition stands disposed of.

(P.B. BAJANTHRI)
JUDGE

July 24, 2017.
sandeep sethi

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.