

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

207

**CWP-10883-2013 (O&M)
Date of decision:13.11.2017**

Rajinder John

....Petitioner

Versus

Presiding Officer, Industrial Tribunal, Patiala and others

.... Respondents

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

Present: None for the petitioner.

Mr. P.K.Kataria, Advocate for respondents No.2 and 3.

P.B. BAJANTHRI, J. (ORAL)

Matter called twice but none appears on behalf of the petitioner.

Petitioner is stated to have been appointed with the respondent-plant on 23.04.1971. Operation of the respondent-plant was suspended from 22.08.2000. Thereafter, there was a settlement on 03.11.2000. The respondent-plant was once again put into operation in terms of the settlement dated 09.11.2000. Whereas petitioner failed to comply the conditions stipulated in the settlement dated 09.11.2000 to the extent of Clause 12. Even though he reported on 09.11.2000. Thereafter, he stated to

have reported on 16.11.2000 but his duty report was not accepted. On the other hand, management are of the view that petitioner failed to accept the conditions stipulated in settlement and so also remained absent from duty. Thus, there is no order of termination or oral termination. Petitioner has abandoned his services. The respondents were directed to go for settlement, even though respondents have shown their intention for settlement but the petitioner has not co-operated. Hence the matter is heard. Petitioner is out of service from 09.11.2000. Therefore, question of reinstating him and to extend service and back wages may not be appropriate. In view of the decision of the Supreme Court in the case of **BSNL versus Bhurumal** reported in 2014(7) SCC 177, petitioner is entitled to compensation. Therefore, petitioner is entitled to compensation of Rs.3 Lacs. The same shall be paid by the respondent No.2 within a period of 4 months, failing which petitioner is entitled to interest @ 6% per annum on the compensation amount from today.

With the above observation, CWP stands disposed of.

13.11.2017

pooja saini

(P.B.BAJANTHRI)
JUDGE

Whether speaking/reasons

Yes/No

Whether Reportable:

Yes/No