

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

Date of Decision: August 18, 2017

1. CWP-11863-2013

Balwinder Singh

.....Petitioner(s)

Versus

Presiding Officer and others

....Respondent(s)

2. CWP-19564-2013

Punjab State Warehousing Corporation Ltd. and another

....Petitioner(s)

Versus

Presiding Officer and another

....Respondent(s)

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

Present : Mr. R.K. Arora, Advocate
for the petitioner(s).

Mr. B.R. Bansal, Advocate
for respondents No.2 and 3.

P.B. BAJANTHRI, J. (ORAL)

By this common order *CWP-11863-2013* and *CWP-19564-2013* are decided together.

Workman & Management have filed cross writ petition challenging the award passed by the Labour Court dated 05.02.2013.

Workman-Balwinder Singh was appointed with the Management on 15.12.1987. On 08.12.1989 his services were terminated. On an earlier

occasion workman's services were terminated. During the pendency of CWP No.2259 of 1989 filed by the workman, the management were stated to have taken back the workman for duty. Thereafter, once again his services were terminated on 15.06.1993. The petitioner raised an industrial dispute that at the same time the writ petition was pending. The writ petition was dismissed in default on 09.11.1992 and once again on 19.01.2005 was dismissed for non-prosecution. The petitioner further for the first time raised a demand notice on 22.05.2001 with reference to the order of termination dated 15.06.1993. Having regard to the facts and circumstances, the Labour Court proceeded to pass an award of compensation of Rs.50,000/-. The workman as well as management were aggrieved by the order of compensation passed by the Labour Court to the extent of passing an award for compensation.

Learned counsel for the workman submitted that he has rendered continuous service for about 6 years, therefore, he is entitled for enhanced compensation. On the other hand learned counsel for the Management submitted that services of the workman were terminated in 1993 and demand notice was raised only in the year 2001. Having regard to the conduct of the workman, he is not entitled to the compensation as awarded by the Labour Court.

Heard learned counsel for the parties.

Having regard to the conduct of the workman so also the contention of the management that compensation awarded by the Labour Court is arbitrary. The workman has rendered six years of service. No doubt his conduct with reference to delay and latches in so far as raising the demand notice in the year 2001, he is not entitled to enhanced

compensation. At the same time management has not made out any ground to interfere with compensation awarded by the Labour Court since the Labour Court has taken into consideration the length of service rendered by the workman i.e., about six years . Accordingly both the petitions filed by Workman & Management stand rejected.

It is made clear that management would release the compensation awarded by the Labour Court, within a period of three months.

August 18, 2017
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(P.B. BAJANTHRI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No