

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

CWP No.12671 of 2013 (O&M)

Date of Decision:02.08.2017

Vinod Kumar

... Petitioner

Vs.

Presiding Officer and another

... Respondents

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

Present : Mr. Sudhir Kumar Hooda, Advocate for the petitioner.

Mr. B.L. Gupta, Advocate for respondent No.2.

P.B. BAJANTHRI J. (Oral)

In the instant petition, petitioner has assailed the award passed by the Labour Court dated 8.2.2013 (Annexure P-1).

Petitioner is stated to have been appointed as a daily wager on 15.11.1994 and he worked upto 20.4.1997. Whereas stand of the respondent No.2 is that petitioner worked upto 31.8.1997. The Labour Court for want of records has come to the conclusion that petitioner has not completed 240 days in a year. At the same time, it was also recorded that for non-production of summoned record by respondent No.2 i.e. complete muster roll during the period from 15.11.1994 to 31.8.1997, adverse inference has been drawn against the petitioner-workman.

Learned counsel for respondent No.2 submitted that now they have record to show that petitioner has not completed 240 days during the period from 15.11.1994 to 31.08.1997. Petitioner is out of service since April 1997. Therefore, question of remanding the matter at this juncture do not arise. Having regard to the fact that the petitioner has rendered service from 15.11.1994 to 31.08.1997 with certain breaks, petitioner is entitled for compensation. The respondents are hereby directed to pay compensation of

Rs.2 lacs to the petitioner within a period of four months from today.
Failing which respondents are liable to pay interest @ 6% per annum from
the date of the award passed by the Labour Court.

Disposed of accordingly.

02.08.2017
rajeev

(P.B. Bajanthri)
Judge

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No