

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

210

CWP-22772-2011 (O&M)
Date of decision:01.08.2017

Shamsher Singh

... Petitioner

Versus

Presiding Officer, Industrial Tribunal, Amritsar and another

.... Respondents

CORAM: Hon'ble Mr. Justice P.B. Bajanthri

Present: Mr. Varun Baanth, Advocate for
Mr. A.K.Jain, Advocate for the petitioner.

Mr. Jangsher Singh Bhullar, Advocate for
Mr. Rahul Sharma, Advocate for respondent No.2.

P.B. Bajanthri, J. (Oral)

In the instant writ petition, petitioner has questioned the award passed by the Labour Court dated 10.08.2011 (Annexure P-6).

Petitioner was appointed as a Helper-cum-Chowkidar on 18.01.1999 on contract basis for a specific period. Later on respondents have extended the services of the petitioner as a Helper-cum-Chowkidar from time to time with the break of one or two days. Thus, he has worked during the intervening period from 18.01.1999 to 28.02.2002. Even with the break of one or two days it is evident that petitioner has worked for 240 days. Thus, Labour court has erred in holding that petitioner has not rendered 240 days service and it is contrary to factual aspect. Petitioner is out of service from 01.03.2002. Therefore, question of reinstating and continuity of service do not arise. At the best petitioner is entitled for compensation. The respondents are hereby directed to pay compensation of

Rs 1,50,000/- to the petitioner. If the compensation is not paid within a period of 3 months from today in that event petitioner is entitled to interest @ 6% per annum from the date of passing of award by the Tribunal.

CWP stands disposed of.

01.08.2017
pooja saini

(P.B. BAJANTHRI)
JUDGE

Whether speaking/reasons	Yes/No
Whether Reportable:	Yes/No