

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.18227 of 2013.

Date of Decision:-23.08.2017.

Kailash

.....Petitioner

Versus

Presiding Officer, Hisar and another

.....Respondents

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

Present: Mr. M.S. Kathuria, Advocate for
Mr. Rakesh Nehra, Advocate for the petitioner.

Mr. J.S. Bedi, Additional A.G. Haryana.

P.B. BAJANTHRI, J. (Oral)

On 27.7.2017, following order has been passed:-

“Petitioner has questioned the validity of the award passed by the Labour Court on the ground that certain materials like muster roll and other documentary evidence have not been taken into consideration for the reasons that respondents have failed to produce any material to show that petitioner has either worked or not. Respondents have made a contrary statement before the Labour Court and this Court. Before the Labour Court, it was contended that petitioner never worked in the Department of respondents. In the written statement filed in the present petition, it was stated that petitioner was engaged as a daily wage labourer on the lowest field functionary of the Forest Department i.e. Forest

Guard. Since the petitioner is stated to have worked during the period from January, 1991 to 31.12.2006. Therefore, instead of remanding the matter to the Labour Court or reinstating the petitioner and in order give quietus to the litigation, respondents' counsel is hereby directed to get instructions relating to awarding compensation to the petitioner before the next date of hearing.

List this matter on 23.8.2017.”

Pursuant to the aforesaid order, Kuldeep Singh, Divisional Forest Officer, Bhiwani is present. He has no instructions or cannot take a decision relating to compensation to be given to the petitioner for the service rendered by the petitioner from January, 1991 to 31.12.2006. Instead of remanding the matter to the Labour Court, matter could be decided by giving compensation to the petitioner having regard to the service rendered by him from 1991 to 2006 as a daily wager read with the Supreme Court decision passed in **Bharat Sanchar Nigam Limited v. Bhurumal (2014) 7 SCC 177**. The respondents are hereby directed to pay compensation of ₹ 3,00,000/- to the petitioner within a period of 3 months from today, failing which petitioner is entitled to interest @ 6% per annum from today. To that extent, the Labour Court award dated 8.10.2012 (Annexure P-3) is modified.

Petition stands disposed of.

(P.B. BAJANTHRI)
JUDGE

August 23, 2017.

sandeep

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.