

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

**CWP No. 20258 of 2013
Date of Decision: 29.03.2017**

Sushila Vyas

...Petitioner

Vs.

M/S Bee Gee Handicraft and another

...Respondents

CORAM:- HON'BLE MR.JUSTICE RAJIV NARAIN RAINA

Present: Mr. Sandeep Kotla, Advocate,
for the petitioner.

RAJIV NARAIN RAINA, J. (Oral)

On April 28, 2014 this Court recorded in the interim order that the service was complete. The respondent-Management had been served and the case was adjourned to September 01, 2014. Thereafter, the case has been adjourned by orders till it came up for hearing on October 25, 2016 but none appeared. The matter was adjourned for today.

The respondent though duly served has not appeared through any representative or counsel and is proceeded against *ex parte*.

Heard petitioner's counsel.

The Labour Court has held that the termination is illegal for want of check list of things to do in Section 25-F of the Industrial Disputes Act, 1947 but has surprisingly converted the case into one for payment of compensation in lieu of reinstatement and awarded a pittance of an amount of ₹ 30,000/- for 8 years of continuous and uninterrupted service as a Tailor with the respondent-Establishment.

The management was proceeded *ex parte* by the Labour Court.

It applied for setting aside the *ex parte* order on January 4, 2010. The application was allowed and the Management was permitted to re-enter the case. Thereafter, they again abandoned the proceedings and forgot about it, which has led to passing of an *ex parte* order.

Thirty thousand rupees for eight years of service is adding insult to injury and is not sustainable in current judicial thinking. All things equal, eight years of service would fetch one lakh a year as compensation in lieu of reinstatement. The choice is grim.

Accordingly, the award is held illegal and is set aside. The petition is allowed.

The petitioner is held entitled to reinstatement with full back-wages with continuity of service. The amount will be calculated and paid within 3 months from the date of receipt of certified copy of this order, either from the Court or from the petitioner, whichever is earlier, failing which the arrears will earn interest @ 9% per annum till payment.

(RAJIV NARAIN RAINA)
JUDGE

29.03.2017
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Whether speaking/reasoned *Yes*

Whether reportable *No*