

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.15383 of 2017.

Date of Decision:-18.07.2017.

Kesar Singh and others

.....Petitioners

Versus

Presiding Officer, Industrial Tribunal, Patiala and another

.....Respondents

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

Present: Mr. Ramesh Goyal, Advocate for the petitioners.

P.B. BAJANTHRI, J. (Oral)

In the instant writ petition, petitioners have assailed the award passed by the Labour Court dated 23.2.2017.

The petitioners are stated to have been appointed with the respondent-management in the month of March, 1982 and their services were dispensed in the month of January, 1984. Reference was issued in the year 1984. This is second round of litigation before this Court. On earlier occasion, Labour Court was pleased to dismiss the reference for non-prosecution. Thereafter, matter was agitated before this Court. This Court while setting aside the non-prosecution order by the Labour Court remanded the matter to the Labour Court. Consequently, Labour Court passed the award on 23.2.2017. Hence, the present petition.

Learned counsel for the petitioners vehemently submitted that

petitioners are entitled for reinstatement and continuity of service. The

Labour Court failed to appreciate various factual aspects in respect of their termination. Even grant of compensation to the extent of ₹ 1,50,000/- is not commensurate with the fact that the petitioner's termination is illegal.

Heard learned counsel for the petitioner.

Perusal of the award, it is evident that petitioners were agitating their right from 1984. Having regard to the conduct of the petitioners on earlier occasion, Labour Court dismissed the reference for non-prosecution. Later on matter was agitated before this Court. This Court remanded the matter to the Labour Court. Labour Court has observed that petitioners were remained gainfully employed which is evident from the records produced by the respondent-management. Therefore, question of reinstatement and continuity of service does not arise. That apart, petitioners have hardly served for about 2 years of service from the year 1982 to 1984. Therefore, question of granting reinstatement and continuity of service does not arise. Insofar as award of compensation to the extent of ₹ 1,50,000/- is concerned, it requires to be interfered for the reasons that petitioners were before the Labour Court since 1984 and before this Court. In other words, two rounds of litigation have been completed. Hence, petitioners are entitled for enhancement of compensation from ₹ 1,50,000/- to ₹ 2,00,000/-. To that extent Labour Court award dated 23.2.2017 is modified.

Petition stands disposed of.

(P.B. BAJANTHRI)
JUDGE

July 18, 2017.

sandeep sethi

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.