

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

CWP No.2063 of 2016

Date of Decision:01.12.2017

Parkash

... Petitioner

Vs.

Presiding Officer and others

... Respondents

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

Present : Mr. Lajpat Sharma, Advocate for
Ms. Garima Sharma, Advocate for the petitioner.
Mr. Rajesh Gaur, Addl. A.G. Haryana.

P.B. BAJANTHRI J. (Oral)

In the instant petition, petitioner has challenged the validity of the award dated 16.04.2012 (Annexure P-1) passed by the Labour Court, Hisar.

Petitioner is stated to have been appointed as Beldar-cum-Mali on daily wage basis w.e.f 02.02.1990 and worked upto 31.05.2005. Feeling aggrieved by the dispensation of his services, he raised an industrial dispute in the year 2008. He issued demand notice on 26.02.2007. Labour Court proceeded to decide reference on 16.04.2012 to the extent that petitioner is not entitled to reinstatement with continuity of service and he is entitled to compensation of Rs.1,60,000/-. Hence, the present petition.

Learned counsel for the petitioner submitted that petitioner has discharged the duties of the post of Beldar-cum-Mali w.e.f 2.2.1990 till 31.5.2005. In view of service rendered by the petitioner, he is entitled for reinstatement. It was further submitted that record was summoned but the same was not brought by the official respondents in deciding the reference on merit. Thus, Labour Court proceeded to draw inference and awarded

compensation of Rs.1,60,000/-. Having regard to the conduct of the respondents, petitioner is entitled for reinstatement with continuity of service and back wages.

Per contra, learned counsel for the respondents-State submitted that since the records were not available for the aforesaid period, therefore, the records were not produced before the Labour Court. Labour Court has appropriately awarded compensation of Rs.1,60,000/-. Therefore, no interference is called for.

Heard learned counsel for the parties.

Petitioner has rendered service from 1990 to 2005. Therefore, awarding of compensation of Rs.1,60,000/- is too meager. Petitioner is not entitled for reinstatement for the reasons that his services have been dispensed with in the year 2005. However, he raised industrial dispute in the year 2007. Therefore, he is only entitled for enhanced compensation from Rs.1,60,000/- to Rs.4,00,000/- in view of the decision of the Supreme Court in the case of BSNL v. Bhurumal, (2014) 7 SCC 177. Hence, concerned respondent is hereby directed to extend the benefit of modified compensation of Rs.4,00,000/- to the petitioner within a period of four months from today. Failing which petitioner is entitled to interest @ 6% per annum on the modified compensation from today.

Disposed of accordingly.

01.12.2017
rajeev

(P.B. Bajanthri)
Judge

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No