

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

240

**CWP-23449-2015 (O&M)
Date of decision: 06.09.2017**

Puran Chand

....Petitioner

Versus

Presiding Officer, Industrial Tribunal, Bathinda and others

.... Respondents

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

Present: Mr. Inderjit Sharma, Advocate for the petitioner.

Mr. B.S. Sewak, Addl. A.G. Punjab.

P.B. Bajanthri, J. (Oral)

In the instant writ petition, the petitioner has assailed the award passed by the Labour court dated 23.09.2014 (Annexure P-3).

2. The petitioner is stated to have been appointed as a Beldar on 01.01.1979. His services were dispensed on 12.09.1988. Thus, he raised an industrial dispute. The Labour court passed an award on 23.09.2014 to the extent that petitioner is not entitled to reinstatement and he is entitled to compensation of Rs.2 Lacs for having served for 10 years with the respondents. Hence the present petition.

3. Learned counsel for the petitioner submitted that petitioner had served 10 long years with the respondents. Award of compensation of Rs. 2 lacs is too meager. He submitted that Supreme Court in the case of ***BSNL versus Bhurumal*** reported in 2014(7) SCC 177 has held that instead of reinstatement compensation should be awarded. In that case, average of Rs.50,000/- per year has been calculated and compensation has been

awarded. Therefore, award of compensation of Rs. 2 lacs for rendering 10 years of service is too meager and it is arbitrary and illegal.

4. Per contra, learned counsel for the respondents while resisting the claim of the petitioner submitted that petitioner was appointed under a particular project and project was closed. Consequently petitioner's services were terminated. Hence award of compensation of Rs.2 Lacs is in order in view of the closure of the project.

5. Heard learned counsel for the parties.

6. Crux of the matter is whether petitioner is entitled to enhanced compensation with reference to the fact that petitioner had rendered 10 years of service or not? Undisputedly, petitioner has worked from 1979 to 1988. Respondents have not produced any material to show that petitioner's services were engaged in a project so as to contend that his services were engaged in a project and project was closed. Therefore, petitioner is entitled for enhanced compensation. Accordingly, award of the Labour court is modified to the extent that petitioner is entitled to compensation of Rs.4 Lacs. Concerned respondent is hereby directed to release the enhanced compensation within a period of 4 months from today failing which petitioner is entitled to interest @ 6% per annum from today.

7. With this observation, CWP stands disposed of.

(P.B.BAJANTHRI)
JUDGE

06.09.2017

pooja saini

Whether speaking/reasons

Yes/No

Whether Reportable:

Yes/No