

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.25624 of 2014.

Date of Decision:-24.07.2017.

Kamlesh Devi

.....Petitioner

Versus

The Presiding Officer, Labour Court, Ambala and others

.....Respondents

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

Present: Mr. J.S. Cooner, Advocate for the petitioner.

Mr. Rajesh Gaur, Additional A.G. Haryana.

P.B. BAJANTHRI, J. (Oral)

In the instant writ petition, petitioner has assailed the award passed by the Labour Court dated 01.03.2011 (Annexure P-1).

Petitioner is stated to have been engaged as a daily wager in the year 1991. Thereafter, her services were terminated on 10.5.2007. Petitioner raised an industrial dispute. Labour Court decided the Reference. Even though there is a violation of Section 25-F & G of the Industrial Disputes Act, 1947, however, petitioner has not been extended the benefit of reinstatement and back wages for the reasons that she was only a daily wager and in view of **Secretary, State of Karnataka and others Vs. Uma Devi and others (2006) 4 SCC 1**, Labour Court refused to interfere with the petitioner's grievance. Having regard to the fact that the petitioner has

rendered service as a daily wager from 1991 to 2007 instead of

reinstatement, petitioner is entitled for compensation. Supreme Court in the case of **Bharat Sanchar Nigam Limited v. Bhurumal (2014) 7 SCC 177** in para 33 held that instead of reinstatement, compensation can be extended. Having regard to the fact that the petitioner has worked as a daily wager for the period from 1991 to 2007, she is entitled for compensation of ₹ 3,00,000/-. The respondents are hereby directed to pay the compensation within a period of 3 months from today, failing which, petitioner is entitled to interest @ 6 % per annum.

Petition stands disposed of.

(P.B. BAJANTHRI)
JUDGE

July 24, 2017.
sandeep sethi

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.