

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

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**CWP-26285-2014 (O&M)
Date of decision:11.09.2017**

Sukhwinder Kaur

....Petitioner

Versus

Presiding officer, Industrial Tribunal, Patiala and others

.... Respondents

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

Present: Mr. Gurbachan Singh, Advocate for the petitioner.

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

P.B. BAJANTHRI, J. (ORAL)

In the instant writ petition, petitioner has challenged the award passed by the Labour Court dated 15.04.2014 (Annexure P-7).

2. Petitioner is stated to have been appointed as a Sweeper on 01.10.2003 in the office of respondent No.3. Her services were terminated on 26.09.2008. Thus, petitioner has raised an industrial dispute. The Labour Court passed an award against the petitioner on 15.04.2014 on the score that petitioner failed to establish that her appointment was in accordance with rules and regulations.

3. Learned counsel for the petitioner submitted that 3rd respondent has extracted work from the petitioner during the period from 01.10.2003 to 26.09.2008. Thereafter, engaged a new part-time sweeper in her place.

Learned counsel for the respondent submitted that petitioner was not appointed in accordance with the procedure. Therefore, rightly, labour court refused to entertain the reference in favour of the petitioner-workman.

4. Heard learned counsel for the parties.

5. Perusal of the dates and events it is evident that respondent No. 3 has engaged services of the petitioner as Sweeper. After extracting work for about 5 years the respondent No.3 displaced petitioner by replacing another part-time Sweeper. Respondent No.2 has not taken any action to appoint Sweeper in the 3rd respondent-school. Therefore, 3rd respondent suo moto arranged the appointment of Sweeper in order to maintain respondent No.3-School. The 2nd respondent should have made necessary arrangement to appoint Sweeper to maintain 3rd respondent-School.

6. In view of these facts and circumstances and the fact that petitioner is out of service from 26.09.2008, it is not appropriate to reinstate her since her appointment was not with reference to any advertisement. Therefore, petitioner is entitled to compensation of Rs.3 Lacs. The 2nd respondent is hereby directed to pay compensation of Rs. 3 Lacs to the petitioner 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.

11.09.2017

pooja saini

**(P.B.BAJANTHRI)
JUDGE**

Whether speaking/reasons

Yes/No

Whether Reportable:

Yes/No