

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

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**CWP-26526-2014 (O&M)
Date of decision:05.09.2017**

Shyam Babu

....Petitioner

Versus

Presiding Officer, Industrial Tribunal-cum
Labour Court-II, Gurgaon and another

.... Respondents

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

Present: Mr.Ashwani Bakshi, Advocate for the petitioner.

Mr. Amit Aggarwal, Advocate for respondent No.2.

P.B. Bajanthri, J. (Oral)

In the instant writ petition, petitioner has challenged the validity of the award dated 10.10.2013 (Annexure P1).

2. Petitioner is stated to have been appointed as a Stitcher on 05.03.2002. In the month of September, 2007 he was suffering from certain illness. He applied for leave and after returning from leave, petitioner was not taken back to duty on 02.01.2008. Thus, petitioner raised an industrial dispute. Labour court proceeded to pass award of compensation of Rs.40,000 instead of reinstatement etc.

3. Learned counsel for the petitioner submitted that petitioner has rendered service for about 6 years. Therefore, grant of compensation of Rs.40,000 is too meager. In view of the judgment of Supreme Court in the case titled as ***BSNL versus Bhurumal*** (2014(7) SCC 177) instead of

reinstatement appropriate compensation should have been awarded. In terms of the decision of the Supreme Court petitioner is entitled for enhanced compensation.

4. Per contra, learned counsel for the respondents resisted petitioner's claim in respect of enhancement of compensation to state that petitioner proceeded on leave. Thereafter, he has not returned to duty. Therefore, having regard to the conduct of the petitioner award passed by the Labour Court is appropriate. Hence, question of interference with the award passed by the Labour Court dated 10.10.2013 do not arise.

5. Heard learned counsel for the parties.

6. Undisputedly, petitioner has rendered service for about 6 years from 2002 to 2008. In view of the judgment of the Supreme Court in ***Bhurumal's case (Supra)*** petitioner is entitled for enhanced compensation with reference to service rendered by him. Therefore, concerned respondent is hereby directed to pay compensation of Rs.2.75 lacs to the petitioner instead of Rs.40,000/- within a period of 4 months from today. To that extent award dated 10.10.2013 is modified. Concerned respondent is directed to pay compensation within the stipulated time failing which petitioner is entitled to interest @ 6% per annum.

With these observations, petition stands disposed of.

(P.B.BAJANTHRI)
JUDGE

05.09.2017

pooja saini

Whether speaking/reasons
Whether Reportable:

Yes/No
Yes/No