

In the High Court of Punjab and Haryana at Chandigarh

CWP No. 26744 of 2014
Date of Decision: July 28, 2017

Rajesh Kumar

... Petitioner

Versus

Industrial Tribunal-cum-Labour Court, Circle-1, Faridabad and another

... Respondents

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

Present: Mr. Shilak Ram Hooda, Advocate,
for the petitioner.

Mr. Abhilaksh Grover, Advocate,
for respondent No.2.

P.B. Bajanthri, J. (Oral)

1. In the instant writ petition, petitioner has questioned the award dated 12.04.2013 (Annexure P/26) passed by the Labour Court.

2. Petitioner is stated to have been appointed as a Driver on 09.12.2000 and placed under suspension on 22.07.2004. While he was in service on certain misconduct, he was subjected to disciplinary proceedings for which he was charge-sheeted and an enquiry was held. Thereafter, proceeded to pass an order of termination on 22.03.2015. Thereafter, petitioner raised an industrial dispute. Reference No. 133/2006 decided by the Labour Court on 12.04.2013 and passed an award that petitioner is entitled for compensation of Rs.20,000/- in lieu of reinstatement.

3. Learned counsel for the petitioner submitted that having served about 4 years in the respondent-Institute, awarded compensation of Rs.20,000/- is too meagre. Therefore, petitioner is entitled for enhanced compensation from Rs.20,000/-.

4. Per contra, learned counsel for the respondents resisted the petitioner's claim stating that having regard to the conduct of the petitioner for which he was subjected to disciplinary proceedings and his services were terminated after giving due opportunity, the same has been taken note of by the Labour Court in the award. Having regard to the allegations against the petitioner that he was habitual of using abusive language against the Director and he also misbehaved with co-employees, he is not entitled for enhanced compensation.

5. Heard learned counsel for the parties.

6. Perusal of Annexure P/12 order of termination, it is crystal clear that it is not a speaking order. The Labour Court passed award of compensation of Rs. 20,000/ for service rendered by the petitioner for about 4 years would be too meagre. Therefore, it is to be enhanced in view of Supreme Court in the case of ***Bharat Sanchar Nigam Limited vs. Bhurumal (2014) 7 Supreme Court Cases 177***. Thus, compensation awarded by the Labour Court vide award dated 12.04.2013 is modified to the extent from Rs.20,000/- to Rs. 1 lakh. Respondents are hereby directed to pay modified compensation to the petitioner within a period of three months from today, failing which petitioner is also entitled interest @ 6% per annum on the compensation amount.

7. Instant writ petition stands allowed.

July 28, 2017

vkd

**[P.B. Bajanthri]
Judge**

Whether speaking / reasoned : Yes

Whether reportable : No