

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.3993 of 2015
Date of decision: 09.05.2017

Maluk Singh

... Petitioner

vs.

Presiding Officer, Industrial Tribunal-cum-
labour Court, Hisar & ors.

... Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Vivek Khatri, Advocate
for the petitioner.

Mr. Prateek Mahajan, Advocate
for respondent No.2.

RAJIV NARAIN RAINA, J.(ORAL)

1. Heard learned counsel for the parties at some length.
2. The workman asserts six years of service spent working for the management. The management counters that the period consists of two parts i.e. six months direct with Hafed and one year and two months with respondent 3, that is, M/s Progressive Security Agency, being the outsourcing labour contractor.
3. Without dissecting the evidence in a case where reinstatement is denied by the labour Court after recording a finding in its award dated January 15, 2015 and compensation of ₹ 60,000/- awarded in lieu of reinstatement the dispute can be composed to serve the ends of justice with a direction to the respondent Hafed to pay lump sum compensation of ₹ 1,50,000/- out of which ₹ 60,000/- with interest stands offered by way of cheque on the last date of hearing, but the validity of which has meanwhile

expired. The dead cheque returned by the Bankers has been handed over by Mr. Vivek Khatri to Mr. Prateek Mahajan in Court. It would not be necessary to revalidate the cheque in view of the order proposed to be passed.

4. As a result of this, the present petition is partly allowed and the award is modified with a direction that ₹ 1,50,000/- be paid to the petitioner for visiting him with illegal termination, within a period of one month from the date of receipt of the certified copy of this order.

5. In addition thereto, an additional amount of compensatory costs assessed at ₹ 10,000/- will be paid to the petitioner towards the litigation expenses which the petitioner must have in the least suffered in prosecuting this case.

6. Mr. Mahajan submits that since the liability in the award of the labour Court was joint and several on respondent 2 and 3, then Hafed be given right to recover half of the said amount from respondent No.3 -M/s Progressive Security Agencies.

7. The prayer is genuine and is accepted since M/s Progressive Security Agencies has not assailed the award and is final against it and therefore is bound to bear the shared liability of the award one half created by the labour Court in the award.

(RAJIV NARAIN RAINA)
JUDGE

09.05.2017

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1. Whether speaking/non-speaking?

Yes

2. Whether reportable?

No