

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

CWP No.6441 of 2015 (O&M)  
Date of Decision:-31.07.2017.

Gurmit Singh

.....Petitioner

Versus

State of Punjab, Department of Health & Family Welfare and others

.....Respondents

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

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Present: Mr. Tarun Singla, Advocate for the petitioner.

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

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**P.B. BAJANTHRI, J. (Oral)**

In the instant writ petition, petitioner has assailed the award dated dated 12.02.2014 (Annexure P-15).

Petitioner was stated to have been appointed as a Ward Attendant on 11.1.1996 and his services were terminated on 06.07.1997. The petitioner raised industrial dispute only in the year 2009. The Labour Court held that petitioner is not entitled to any relief as it is without merits.

Learned counsel for the petitioner submitted that petitioner has completed 240 days. Thus, there is violation of Section 25-F of the Industrial Disputes Act, 1947. Consequently, petitioner is entitled for reinstatement with continuity of service and back wages etc. The respondents have not taken the contention of delay and laches on the part of the petitioner before the Labour Court and so also in the written statement in the present petition. Having regard to the fact that petitioner has rendered

for about 1 ½ years of service from January, 1996 to July, 1997 at the best, petitioner is entitled to compensation as held by the Supreme Court in **Bharat Sanchar Nigam Limited v. Bhurumal (2014) 7 SCC 177** wherein para 33 reads as under:-

*“33. It is clear from the reading of the aforesaid judgments that the ordinary principle of grant of reinstatement with full back wages, when the termination is found to be illegal is not applied mechanically in all cases. While that may be a position where services of a regular/permanent workman are terminated illegally and/or malafide and/or by way of victimization, unfair labour practice etc. However, when it comes to the case of termination of a daily wage worker and where the termination is found illegal because of procedural defect, namely in violation of Section 25-F of the Industrial Disputes Act, this Court is consistent in taking the view in such cases reinstatement with back wages is not automatic and instead the workman should be given monetary compensation which will meet the ends of justice. Rationale for shifting in this direction is obvious.”*

Question of reinstating the petitioner and condoning the delay may not arise for the reasons that petitioner is not in service from July, 1997. Accordingly, Labour Court award dated 12.02.2014 (Annexure P-15) is modified to the extent of extending the benefit of compensation to the tune of ₹ 50,000/-. The same shall be paid by respondents within a period of 2 months from the date of receipt of this order.

Petition stands disposed of.

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

**July 31, 2017.**

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Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.