

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

**C.W.P No. 715 of 2015 (O&M)
DATE OF DECISION: 11.08.2017.**

Narinder Singh

.... Petitioner

VERSUS

Presiding Officer, Inds. Tribunal Amritsar & Ors.

....Respondents

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

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

Mr. Vijay Kumar Kaushal, Advocate,
for respondent Nos. 2 & 3.

P.B. Bajanthri, J. (Oral)

In the instant writ petition, the petitioner has challenged the award dated 11.04.2014 (Annexure P/10).

The petitioner was employed by the respondent-Managment as operator on 01.05.1996 thereafter his services were terminated on 03.01.2003. The petitioner raised industrial dispute in which he has contended that without notice and enquiry his services have been terminated even though he has rendered service for several years. Thus, there is a clear violation of Industrial Disputes Act. The Labour Court has awarded merely a compensation of Rs. 50,000/-. Having regard to the length of service for about six years award of compensation of Rs.50,000 is not commensurate, therefore, the petitioner is entitled for enhancement of compensation.

Per contra, learned counsel for the respondents submitted that Labour Court has recorded the finding in respect of cross-examination of Narinder Singh workmen, wherein it has been elicited that petitioner was working as "Pathhi" and he was earning a sum of Rs.5000/- to Rs. 6000/- per month. Therefore, award of compensation of Rs.50,000/- is in order and no interference is called for.

I have heard learned counsel for the parties.

Question for consideration in the present petition whether petitioner is entitled for enhanced compensation from Rs.50,000/- or not. Undisputedly the petitioner has rendered about six years of services with the respondents. After his termination for his livelihood, he has to do some work, therefore, taking to the consideration that he was working as “Pathhi” and earning for his livelihood cannot be a ground for denial of enhancement of compensation. On the other hand respondent-Management have not filed writ petition challenging the award of compensation on the score that the petitioner is not entitled for compensation in view of his employment as a “Pathhi” and he was earning a sum of Rs. 5,000/- to Rs. 6,000/- per month. Thus contention of the respondent that the petitioner was employed may not be a hurdle for enhancement of compensation of Rs.50,000/- as awarded by the Labour Court. Having regard to the length of service for about six years, read with the decision of Apex Court in the case of **BSNL Vs. Man Singh, 2012(2) RSJ 143** and **B.S.N.L Vs. Bhurumal 2017(3) SCT 49**, petitioner is entitled for enhanced compensation from Rs.50,000/- to Rs.2.5 lacs. Respondents are hereby directed to pay the enhanced compensation of Rs. 2.5 lacs within a period of four months from today, failing which, the petitioner is entitled to the interest @6% on enhanced amount from today.

Accordingly, the present petition is disposed of.

(P.B.BAJANTHRI)
JUDGE

August 11, 2017
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No