

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

CWP No.9090 of 2014

Date of Decision:28.08.2017

Raghubir Singh

... Petitioner

Vs.

Presiding Officer and others

... Respondents

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

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

Mr. Vikas Singh, Advocate for respondents No.2 to 4.

P.B. BAJANTHRI J. (Oral)

In the instant petition, the petitioner has challenged the award passed by the Labour Court dated 18.11.2013 (Annexure P-5).

Petitioner is stated to have been appointed as a daily-wager with the respondent-corporation on 2.11.1998. Petitioner's services were stated to have been terminated on 1.7.2000. Therefore, petitioner raised a demand notice on 23.1.2006. Reference No.197 of 2006 was decided by the Labour Court to the extent that petitioner is not entitled for reinstatement and continuity of service alongwith back wages. On the other hand, Labour Court held that petitioner is entitled to compensation of Rs.20,000/-. Thus, the petitioner is aggrieved by the award passed by the Labour Court. Even the respondent-corporation filed independent writ petition challenging the award passed by the Labour Court.

Learned counsel for the petitioner-workman submitted that petitioner has rendered less than two years of service. Therefore, compensation of Rs.20,000/- is meager. The same is required to be enhanced with reference to the Supreme Court decision rendered in the case

of ***Bharat Sanchar Nigam Limited*** v. ***Bhurumal***; (2014) 7 SCC 177.

Per contra, learned counsel for the respondent-Punjab State Warehousing Corporation submitted that reference of the petitioner should have been rejected at threshold on the ground of delay and laches for the reasons that petitioner-workman has abandoned the service on 1.7.2000 and issued a demand notice only on 23.1.2006. Petitioner-workman is not even entitled for compensation as awarded by the Labour Court.

Heard learned counsel for the parties.

Undisputedly, petitioner has rendered service from 2.11.1998 to 1.7.2000 which is less than two years. Demand notice was issued on 23.1.2006 i.e. after more than five years from the date of termination of service. Having regard to the conduct of the petitioner that there is a delay in raising demand notice, petitioner-workman is entitled to compensation of Rs.75,000/-. To that extent, award passed by the Labour Court dated 18.11.2013 is modified.

Petition stands disposed of accordingly.

28.08.2017
rajeev

(P.B. Bajanthri)
Judge

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No