

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

CWP No.9514 of 2014

Date of Decision:28.08.2017

Manjit Kaur

... Petitioner

Vs.

Presiding Officer, Industrial Tribunal, Patiala and another... Respondents

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

Present : Mr. Vikram Singh, Advocate for the petitioner.
Mr. S.S. Behl, Advocate for respondent No.2.

P.B. BAJANTHRI J. (Oral)

In the instant petition, petitioner has challenged the validity of the award dated 21.11.2013 (Annexure P-3).

Petitioner is stated to have been appointed as a Daily Wager in the year 1994 and her services were terminated on 30.06.1998. Petitioner is stated to have approached this Court by filing CWP No.12440 of 2005 wherein directions were issued to the respondents to decide petitioner's legal notice. Thereafter, petitioner raised an industrial dispute in the year 2007. Labour Court proceeded to pass award by awarding only a compensation of Rs.30,000/-. Hence, the present petition.

Learned counsel for the petitioner submitted that petitioner has worked from 1994 to 1998 and it is a continuous service. That apart on 2.11.2007, the petitioner was once again re-appointed on daily wage basis. Even today she is working. Therefore, learned counsel for the petitioner submitted that award of compensation is required to be modified to the extent that petitioner be reinstated with continuity of service and petitioner is ready to give up the back-wages.

Per contra, learned counsel for the respondent submitted that demand notice was issued only in the year 2007 against the order of

termination on 30.6.1998. Even though, the petitioner has approached this Court on an earlier occasion in the year 2005, even then, there is a delay from 1998 to 2005. Therefore, petitioner is not entitled for reinstatement with continuity of service for the service rendered by him from 1994 to 1998.

Heard learned counsel for the parties.

Crux of the matter in the present petition having regard to the fact that petitioner's services were terminated on 30.6.1998 and she was re-appointed on 2.11.2007 whether petitioner is entitled for reinstatement with continuity of service with reference to the order of termination dated 30.6.1998 or not?

Admittedly, there is a delay and laches on the part of the petitioner from 1998 to 2005 with reference to the date of approaching this Court by filing CWP No.12440 of 2005. Thus, the petitioner is not entitled for reinstatement. There is no infirmity in the award to the extent of extending the benefit of compensation of Rs.30,000/-. It is to be noted that having regard to the fact the petitioner has been reinstated on 2.11.2007. She is working as on today. Therefore, service rendered by her from 1994 to 1998 shall be taken into consideration for the purpose of extending service benefits so also for the purpose of future service condition like regularization etc., if any.

With the above observation, petition stands disposed of.

28.08.2017
rajeev

(P.B. Bajanthri)
Judge

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No