

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

LPA No.337 of 2017 (O&M)

Date of Decision : 17.08.2017

Suresh Kumar Verma

....Appellant

Versus

Presiding Officer, Industrial Tribunal &
Labour Court and others

....Respondents

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR.JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Narender Pal Bhardwaj, Advocate
for the appellant.

MAHESH GROVER, J. (Oral)

This appeal is directed against the judgment of the learned Single Judge before whom the present appellant had questioned the award of the Labour Court dated 01.12.2011 granting him compensation of Rs.1 lac instead of reinstatement and other consequential benefits.

The Tribunal noticed the erratic conduct of the appellant and in order to ensure harmonious relationship where the management would be spared the indiscretions of the workman resorted to grant of compensation of Rs.1 lac. The learned Single Judge did likewise by noticing the previous conduct of the appellant in remaining unauthorisedly absent from duty and disobeying the order of transfer but enhanced the compensation from Rs.1 lac to Rs.5 lacs considering the period of engagement.

Before us learned counsel for the appellant contends that looking at the period of engagement with the management he would be entitled to more compensation. He, however, also states that in fact the primary relief that he seeks is reinstatement with continuity of service and back wages

The appellant was appointed as a Field Sales Representative on 06.05.1992 but resigned in the year 1994 by attributing this to undue pressure from the management. The matter was resolved and the appellant taken back in service. From 1994 to 2000 the appellant claims that he was transferred as many as six times with the last transfer being on 29.12.2000 from Sriganaganagar to Tanjore. He admits that he disobeyed the order of transfer initially but subsequently reported at Tanjore and submitted leave application on medical ground for about 50 days. It is thereafter that his services were terminated pursuant to which he raised an industrial dispute.

After having heard the learned counsel for the appellant and upon perusal of the impugned judgment, we are of the opinion that no interference is warranted. It is the conceded case of the appellant himself that he defied the transfer orders and even when he joined at Tanjore, he immediately sought medical leave for about 50 days which was not sanctioned and it was treated as unauthorised absence from duty. The learned counsel

would, however, contend that the inquiry report concludes to the contrary.

Be that as it may, we are of the considered view that at least one undisputed fact emerges that since the entry of the appellant into service in 1992 there has not been a harmonious relationship between the management and the appellant and within two years of his service he resigned and when taken back in service he was transferred six times over which is suggestive of disruptive relationship between the management and the appellant. In the given set of circumstances even if best case of the appellant is accepted to restore him the assignment with the respondent-management, it would not be in the interest of either the appellant or the management and thus the learned Single Judge was right in granting alternate relief of compensation, as was also the Tribunal. We are also of the view that a compensation of Rs.5 lacs is healthy enough in the given set of circumstances.

No ground to interfere.

Dismissed.

(MAHESH GROVER)
JUDGE

17.08.2017
dss

(RAJ SHEKHAR ATTRI)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No