

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

**LPA No.583 of 2017 (O&M)**

**Date of Decision : 01<sup>st</sup> August, 2017**

Mohan Lal

..... Appellant

Versus

The Presiding Officer, Industrial Tribunal and another

..... Respondents

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

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Present : Ms. Abha Rathore, Advocate  
for the appellant.

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**MAHESH GROVER, J. (Oral)**  
**Criminal Misc.No.1204-LPA of 2017**

This is an application for condonation of delay of 153 days in  
refiling the appeal.

Heard. The application is allowed. Delay of 153 days in  
refiling the appeal is condoned.

**Main Case**

This appeal is directed against the judgment dated 24.08.2016,  
passed by the learned Single Judge.

The appellant worked with the respondents as a casual labourer  
from 01.11.1997 to June 1999 i.e. till the termination of his services. He  
raised a demand notice on 25.11.2002 claiming a reference which was  
dismissed but in a challenge mounted to it in CWP No.872 of 2011, the  
matter was remanded back to the Labour Court, which resulted in an award

in his favour granting him reinstatement and continuity in service with 50% back wages. This award was then challenged by the official respondents, resulting in the impugned judgment where the award was modified to award a compensation of Rs.3,00,000/- to be paid to the appellant within six months from the date of passing of the order.

Learned counsel for the appellant contends that the award of the Labour Court ought to have been upheld as similarly situated persons from the very same department have been granted this benefit of reinstatement. Apart from that it is contended that juniors of the appellants were retained and regularized in service to the discrimination of the appellant which point was duly raised before the Labour Court by calling for the records which were not produced by the official respondents and thus an adverse inference be derived against them. Reliance has been place on the judgment of Hon'ble Supreme Court in **B.S.N.L. vs. Bhurumal 2014 (3) SCT 49** in this regard.

After hearing the learned counsel for the appellant, we are of the opinion that the impugned judgment does not warrant any interference for simple reason that appellant had merely worked for a period of one year and eight months and after termination of his service in 1999, he raised a demand notice in the year 2002 at a somewhat belated stage. The Hon'ble Supreme Court in the case of **BSNL vs. Bhurumal 2014 (3) SCT 49** has held as under:-

*“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.”*

Besides, we find that amount of Rs.3,00,000/- awarded as compensation is adequate considering the period of engagement of the workman. However, in the given set of circumstances, we deem it appropriate to marginally modify the judgment of learned Single Bench to add the interest component. The award amount which would now mean that the appellant would be paid Rs.3,00,000/- alongwith interest @ 6% per annum from the date of order of the Single Bench till its realization.

Appeal stands disposed of.

**(MAHESH GROVER)**  
**JUDGE**

**(RAJ SHEKHAR ATTRI)**  
**JUDGE**

**01<sup>st</sup> August, 2017**  
mamta-M

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No