

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

1. **COCP No.1521 of 2018 (O&M)**

Sukhwinder Singh **...Petitioner**

Versus

Kulbir Singh Brar **...Respondent**

2. **COCP No.1522 of 2018 (O&M)**

Date of Decision:22.5.2018

Navdeep Singh **...Petitioner**

Verus

Kulbir Singh Brar **...Respondent**

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr.D.S.Gurna, Advocate for the petitioner(s)

RAJIV NARAIN RAINA, J. (Oral)

This order will dispose of COCP Nos.1521 and 1522 of 2018 as common questions of law and facts are involved in both the petitions. For the sake of brevity, facts are being taken from COCP No.1521 of 2018.

The petitioner approached this Court in CWP No.25301 of 2014 against the award of the Labour Court declining reinstatement. The petition was disposed of by the same learned Single Judge on the same day in CWP No.15604 of 2012 involving the same employer, but by a different employee Harjit Singh. The petition was disposed of on 26.10.2017 with the following directions:-

“At the best, he is entitled to compensation of ₹
75,000/- within a period of 3 months from today as he
worked for a period of less than one year. If the

compensation is not paid within the stipulated period, in that event, the petitioner is entitled to interest @ 6% per annum from today.”

The present contempt petitions have been filed alleging wilful disobedience of the order of this court that compensation with interest has not been paid. Be that as it may, the directions of this Court holding the petitioner’s right to compensation in lieu of reinstatement at the rate of ₹ 75,000/- lumpsum was passed by awarding interest at the rate of 6% per annum in case compensation is not paid within stipulated period of three months. Accordingly, interest is a continuing right to the petitioner on the principal amount of compensation in lieu of reinstatement. In these circumstances, the respondent cannot be held guilty of contempt in view of directions of payment of interest being a continuing obligation. The petitioner has remedy under the Industrial Disputes Act, 1947 to recover the money with interest for which he may approach the appropriate forum.

In view of the above, both the contempt petitions are disposed of with the aforesaid liberty.

(RAJIV NARAIN RAINA)
JUDGE

22.5.2018
MFK

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No