

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

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**CWP No.12741 of 1998.
Date of Decision: 27.07.2018.**

Punjab State through District Food & Supplies Controller, Sangrur and
another

....Petitioners.

Versus

Sukhdev Singh (since deceased) through L.Rs. and another

....Respondents.

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present: Mr. H.S. Sitta, Assistant Advocate, General, Punjab
for the petitioners.

Mr. Vikas Singh, Advocate, for respondent No.1.

Shekher Dhawan, J.

Present civil writ petition under Articles 226 and 227 of the Constitution of India is challenge to the award dated 24.07.1997 passed by respondent No.2, whereby respondent No.1-Sukhdev Singh (since deceased) was awarded compensation of Rs.20,000/- with interest at the rate of 12 % per annum in case the payment is not made within a period of one month.

2. Facts relevant for the purpose of decision of the present writ petition; that respondent No.1-workman joined his duty as 'Chowkidar' on 01.12.1979 and his services were terminated on 30.12.1987. His last drawn salary was Rs.541/- per month. Learned Industrial Tribunal in lieu of awarding reinstatement for continuing service and back wages awarded lump-sum compensation amounting to Rs.20,000/-.

3. Present writ petition has been filed by the management on the ground that the petitioner-management is not covered under the definition of 'industry'. Moreso, the respondent-workman was not discharging his duties against regular appointment.

4. Learned counsel for the petitioners, at the time of arguments, also took the plea that the alleged termination is dated 30.12.1987 and the demand was raised for the first time after seven years without any reason and the learned Labour Court has completely ignored all these facts while pronouncing the award.

5. Learned counsel representing the legal representatives of respondent No.1-workman (since deceased) contended that the workman had served the management for eight long years, but the learned Industrial Tribunal complete ignored this fact and awarded meager amount of Rs.20,000/- and even that payment has not been made by the management without any reasons though a period of more than 20 years has already passed and his legal representatives are entitled for compensation of Rs.20,000/- with 12 per cent per annum interest.

6. Having considered all these facts, this Court is of the considered view that learned Industrial Tribunal has rightly formed the opinion that management is covered under the definition of 'Industry' and respondent-workman had served the management for eight years and his services could be terminated only after compliance of mandatory provisions of Section 25(F) of the Industrial Disputes Act, 1947, which has not been done in this case. The management was directed to pay compensation of Rs.20,000/- with interest. As a period of more than 12 years has passed after pronouncement of the award, the present writ petition is disposed of with

the observation that there are no grounds to set aside the award pronounced by the Industrial Tribunal. However, the legal representatives of deceased-workman shall be entitled to lump sum amount of Rs.80,000/- as compensation. The said payment shall be made by the management within a period of two months from today, failing which the legal representatives of the respondent-workman shall also be entitled to receive interest at the rate of 9 % per annum from today till the date of realization of the amount.

With the above observation, the present writ petition is disposed of.

(SHEKHER DHAWAN)
JUDGE

27.07.2018

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Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No