

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

533

**CWP-1294-1998 (O&M)
Date of decision:09.03.2018**

Gurtej Singh

...Petitioner

Versus

Presiding Officer, Labour Court, Patiala and others

.... Respondents

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

Present: Mr. L.S.Mann, Advocate for the petitioner.

Mr. Bhupender Benipal, AAG, Punjab.

P.B. BAJANTHRI, J. (ORAL)

In the present writ petition, petitioner has challenged the award passed by the labour court dated 09.01.1997 (Annexure P1).

2. Petitioner was appointed as a Chowkidar with the respondent-department and worked during the period from 01.05.1987 to 22.02.1988. His services were terminated on 23.02.1988. Thus, he raised an industrial dispute stating that his termination is illegal, without notice, chargesheet, inquiry or payment of compensation. Labour court has given finding that even though termination is illegal however he is entitled to compensation of Rs.15,000/- and if the compensation is not paid within the stipulated period in that event he is entitled to 12% interest on the compensation from the

date of award till its realization. Learned counsel for the petitioner submitted that once the labour court has given finding that termination is illegal. Consequently, reinstatement with back wages was required to be considered and extended. Aforesaid issues have not been apprised by the labour court. Hence labour court award is liable to be set aside insofar as restricting the claim to compensation instead of reinstatement with continuity of service and back wages.

3. Per contra, learned counsel for the respondent while resisting the contention of the petitioner submitted that petitioner was ad hoc appointee. He has no legal right to hold the post. It was also submitted that petitioner has rendered service from 01.05.1987 to 22.02.1988. Therefore, he is not even served for one year. Consequently, he is not entitled for reinstatement . There is no infirmity in the award passed by the labour court to the extent of awarding compensation.

4. Heard learned counsel for the parties.

5. Crux of the matter in the present petition is whether petitioner is entitled to reinstatement with continuity of service, back wages or not? Having regard to the length of service rendered by the petitioner from May, 1987 to February, 1988 read with the fact that his services have been dispensed way back on 23.02.1988. He is not entitled to reinstatement and consequential benefits. In view of the Supreme Court decision in the case of ***Bharat Sanchar Nigam Limited versus Bhurumal*** reported in 2014(7) SCC 177, insofar as compensation of Rs.15,000/- is concerned it is too meager. Therefore, in view of the principle laid down in the ***Bhurumal's***

case (supra) petitioner is entitled to compensation of Rs.50,000/-. Enhanced compensation shall be paid by the concerned respondent within a period of 3 months from today. If the compensation amount is not paid within 3 months in that event petitioner is entitled to interest @ 9% per annum from today.

6. With the above observation, CWP stands disposed of.

09.03.2018

pooja saini

**(P.B.BAJANTHRI)
JUDGE**

Whether speaking/reasons

Yes/No

Whether Reportable:

Yes/No