

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

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**CWP-19063-2001 (O&M)
Date of decision:15.01.2018**

Shamsher Singh

....Petitioner

Versus

State of Haryana and others

.... Respondents

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

Present: Mr. R.S. Bains, Advocate for the petitioner.

Mr. Rohit Arya, A.G. Haryana.

P.B. BAJANTHRI, J. (ORAL)

In the instant writ petition, petitioner has challenged the award passed by the labour court dated 15.01.2001 (Annexure P1). Petitioner is stated to be appointed as Mali-cum-Chowkidar on ad hoc basis on 01.08.1990 and he has rendered service up to 31.03.1992. The Labour court passed award against the petitioner hence the present petition.

Learned counsel for the petitioner submitted that petitioner's services have been terminated illegally and contrary to Section 25F of the Industrial Disputes Act, 1947. It was further submitted that subsequent to dispensing the petitioner's service some other persons were also appointed. Therefore, labour court has erred in not appreciating the factual aspects relating to discharging the duties of the post held by the petitioner. There is violation of various provision of Industrial Disputes Act, 1947 also.

Per contra, learned counsel for the respondents disputed the period of work discharged by the petitioner to the extent that he has worked from 04.09.1990 to January, 1991. Thus, petitioner has not made out a case.

Labour court has rightly considered the evidence to the extent that petitioner

has rendered work from 04.08.1990 to January, 1991.

Heard learned counsel for the parties.

There were disputed facts relating to discharge of duties by the petitioner with reference to Annexure P5 and evidence of Sh. Puran Singh -WW2 read with Ex. M9 and M10. That apart petitioner's services have been dispensed way back in the month of March, 1992. Question of reinstating at this juncture may not be appropriate. Supreme Court in the case of *Bharat Sanchar Nigam Limited Versus Bhurumal and another* reported in 2014(7) SCC 177 held that reinstatement is not automatic and it can be compensated by way of compensation. Therefore, petitioner is entitled to compensation of a sum of Rs.75,000/-. Same shall be disbursed to the petitioner within a period of 4 months from today failing which petitioner is entitled to interest @ 6% per annum on the compensation amount from today.

With the above observation, CWP stands disposed of.

15.01.2018

pooja saini

(P.B.BAJANTHRI)
JUDGE

Whether speaking/reasons: Yes/No

Whether Reportable: Yes/No