

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-16340-2011 (O&M)

Date of Decision:-01.02.2018.

Narinder Kumar

.....Petitioner

Versus

Presiding Officer, Industrial Tribunal-cum-Labour Court, Panipat and others

.....Respondents

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

Present: Mr. Mayank Sharma, Advocate for the petitioner.

Mr. Rohit Arya, AAG, Haryana.

P.B. BAJANTHRI, J. (Oral)

In the instant petition, petitioner has challenged the award passed by the Labour Court dated 29.12.2010 (Annexure P/5).

Smt. Shanti Devi (now deceased) was appointed as a Sweeper with respondent No.3 on 01.03.1971. Her services were terminated on 18.04.2000. She raised an industrial dispute and it was decided against her on the score that during pendency of Reference No.688 of 2002 decided by the Labour Court she has died. Thus, legal heir of deceased Smt. Shanti Devi – Narinder Kumar pursued the matter before the Labour Court. However, Labour Court has failed to appreciate the length of service rendered by the deceased employee from 01.03.1971 to 18.4.2000 so as to extend benefit of compensation under the provisions of Industrial Disputes

Court, presented this petition by legal heir of deceased – Narinder Kumar. Labour Court has failed to appreciate the length of service rendered by the deceased employee as a Sweeper from 01.03.1971 to 18.4.2000. Even though deceased employee died during pendency of the Reference No.688 of 2002, Labour Court should have appreciated length of service for the purpose of extending the benefit of compensation under the Industrial Disputes Act, 1947. Accordingly, award passed by the Labour Court dated 29.12.2010 (Annexure P/5) is set aside. Respondents are directed to pay compensation of ₹ 6,00,000/- to the legal heir of deceased Smt. Shanti Devi within a period of six months from today, failing which legal heir is entitled to interest @ 6 % per annum on the compensation amount from today.

Petition stands allowed.

(P.B. BAJANTHRI)
JUDGE

February 01, 2018.
sandeep

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.