

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-11080-2014

Date of Decision:-14.02.2018.

Shri Raj Kumar

.....Petitioner

Versus

Presiding Officer, Central Govt. Industrial Tribunal-cum-Labour Court-I,
Chandigarh and others

.....Respondents

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

Present: Mr. Pawan Kumar Longia, Advocate for the petitioner.

Mr. Banni Thomas, Advocate for respondent Nos.2 to 4.

P.B. BAJANTHRI, J. (Oral)

In the instant petition, petitioner has challenged the award passed by the Labour Court dated 20.11.2013 (Annexure P-5).

(2.) Petitioner is stated to have been appointed as a Peon/Daftri in the month of January, 2004. In the month of June, 2008, he had requested for regularization having regard to the length of service rendered by him from 2004 to 2008. Respondent Management got wild having regard to the request of the petitioner for his regularization. Consequently, order of regularization has been passed on 1.9.2008 which was the subject matter of industrial dispute. Labour Court while holding that petitioner has already worked for 240 days, however, for non-compliance of Industrial Disputes Act, 1947 that he is entitled to retrenchment compensation to the extent of

₹ 6,525 and litigation expenses has been extended.

(3.) Learned counsel for the petitioner submitted that having regard to the length of service rendered by the petitioner and the fact that there is violation of provisions of the 1947 Act, Labour Court should have directed for reinstatement with consequential benefits. Thus, the Labour Court has erred in not extending the benefit of reinstatement with continuity of service and full back wages.

(4.) Per contra learned counsel for the respondents while resisting the claim of the petitioner submitted that nature of the appointment of the petitioner is *ad hoc* for the purpose of cleaning branch office of the respondents-bank. He was irregular to the work, therefore, respondents have taken a decision to terminate the services of the petitioner.

(5.) Heard learned counsel for the parties.

(6.) Petitioner was stated to be appointed as a Peon and worked for about 4 ½ years. Thereafter, his services have been terminated on the score that he was irregular to the duties. No material has been placed on record so as to show his irregularities to the post. Not even a single memo was issued by the respondents. Moreover, respondents-Management have not challenged the validity of the award passed by the Labour Court dated 20.11.2013. Therefore, they admit that they had engaged the services of the petitioner for about 4 ½ years as a Peon/Daftri. In view of violation of provisions of the 1947 Act before terminating the services of the petitioner and the fact that his services have been dispensed way back in the year 2008, therefore, at this stage, it is not appropriate to direct the respondents-Management to reinstate the petitioner in terms of the Supreme Court

SCC 177 . At the best, petitioner is entitled to compensation. In view of the service rendered by the petitioner to the extent of 4 ½ years, petitioner is entitled to compensation of ₹ 2,25,000/-. The same shall be paid by the respondents within a period of 4 months from today, failing which petitioner is entitled to interest @ 6 % per annum.

Petition stands allowed.

(P.B. BAJANTHRI)
JUDGE

February 14, 2018.

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Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.