IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-1063-2016

Date of Decision:02.02.2018

Mohinder Kumar ... Petitioner

Vs.

The Presiding Officer and another ... Respondents

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

Present : Mr. Sanjeev Gupta, Advocate for the petitioner.

Mr. Saurav Verma, Advocate for respondent No.2.

P.B. BAJANTHRI J. (Oral)

In the instant petition, petitioner has challenged the award passed by the Labour Court dated 21.12.2012 (Annexure P-1).

Petitioner is stated to have been appointed with the respondent on 2.6.2000. His services were illegally terminated on 1.5.2002. Labour Court proceeded to hold that there is a violation of provisions of ID Act. However, instead of reinstatement, a compensation of Rs.40,000/- has been awarded by the Labour Court. Hence, the present petition.

Learned counsel for the petitioner submitted that when the Labour Court has come to the conclusion that order of termination is illegal and contrary to the provisions of ID Act, in that event, petitioner is entitled for reinstatement and continuity of service and back wages. Whereas compensation of Rs.40,000/- has been awarded. Thus, there is a error in the award.

Per contra, learned counsel for respondent No.2 while resisting the claim of the petitioner submitted that petitioner has hardly work for two years. Therefore, rightly Labour Court has awarded the compensation. Therefore, there is no infirmity in the award.

RAJEEV THAKRAL
2018.02.06 10:13
I attest to the accuracy and
integrity of this document

Heard learned counsel for the parties.

Short question for consideration in the present petition is whether petitioner is entitled for reinstatement or whether is he entitled for enhanced compensation?

Having regard to the fact that petitioner has rendered only two years of service and he has been out of service from 1.5.2002, therefore, question of reinstatement do not arise in view of the decision of the Supreme Court in the case of ***B.S.N.L*** v. ***Bhurumal***; (2014) 7 SCC 177.

Insofar as enhancement of compensation is concerned, it is to be noted that for two years award of compensation of Rs.40,000/- is too meager. Accordingly, compensation of Rs.40,000/- awarded by the Labour Court is modified to that of Rs.1,00,000/-. Concerned respondent is hereby directed to pay the enhanced compensation of Rs.1,00,000/- within a period of four months from today. Failing which petitioner is entitled to interest @ 6% per annum from today.

Petition stands disposed of accordingly.

02.02.2018 **(P.B. Bajanthri)**
rajeev **Judge**

Whether speaking/reasoned Yes/No

Whether reportable Yes/No