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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-12431-2014
Date of Decision : October 03, 2018

Amrit Pal Singh Petitioner.

Versus

The Presiding Officer, Industrial Tribunal , Amritsar
and others. Respondents.

CORAM : HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present Mr. Amarjit Singh, Advocate
for the petitioner.

Mr. J.S.Toor, Advocate,
for respondents No. 2 and 3.

SHEKHER DHAWAN, J.

Present writ petition for quashing of impugned award dated 04.04.2014 (Annexure P/8), whereby the learned Industrial Tribunal, Amritsar (hereinafter referred to as “learned Tribunal”) has awarded lump-sum amount of compensation of Rs.30,000/- to the petitioner for the period of his employment from 01.01.1999 to 30.11.2002.

2. Grievance of the petitioner is that his services were terminated without issuance of any notice or payment of retrenchment compensation. The Management contested the case on the ground that employment of petitioner was contractual in nature and he was working initially under the contractor and thereafter as an independent contractor. On these facts, learned Tribunal, after considering the entire material and

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facts of the case, held that the petitioner had rendered the services under the Municipal Corporation as Driver Tubewell and awarded lump-sum compensation of Rs.30,000/-.

3. Learned counsel for the petitioner mainly contended that petitioner has not been awarded reasonable compensation even though he had worked with the management for about three years and he was awarded lump-sum compensation of Rs.30,000/- only. On this point, reliance has been placed upon the judgment of Hon'ble the Apex Court in **Sant Raj and Another v. O.P.Singla and Another 1985 AIR (SC) 617**, wherein compensation of Rs.2,00,000/- was awarded. Reliance has also been placed upon the judgment rendered by the Hon'ble Division Bench of this Court in **Shri Bhagwan v. Presiding Officer, Labour Court-cum-Industrial Tribunal, Hissar and Others 2015(28) S.C.T. 186**, wherein compensation was enhanced to the extent of Rs.1,00,000/-.

4. However, learned counsel for respondent-Management contended that reasonable compensation has already been awarded to the petitioner keeping in view his employment of just three years. He prayed that the writ petition be dismissed and the award passed by learned Tribunal be upheld by this Court.

5. Having considered the submissions made by learned counsel for the parties and appraisal of record, this Court is of the considered view that most of the facts of the present case are not disputed that the petitioner had served the management from 01.01.1999 to 30.11.2002. However, the learned Tribunal, on the basis of evidence available on the file, rightly held that petitioner had served the management for 240 days

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and his employment was continuous for 240 days in a calendar year. As such, he was certainly entitled to compensation in case of termination of his services without any notice. The learned Tribunal has awarded compensation to the tune of Rs.30,000/-, but taking into consideration the fact that the petitioner was working as Driver Tubewells and his last drawn wages were Rs. 4,230/-, as also the period of his employment from 01.01.1999 to 30.11.2002 and view taken by the Hon'ble Apex Court in **Sant Raj's case** (*supra*) and the Hon'ble Division Bench of this Court in **Shri Bhagwan's case** (*supra*), this Court is of the considered view that fair and reasonable compensation has not been awarded to the petitioner. Accordingly, the impugned award, pronounced by the learned Tribunal, is modified to the extent that amount of compensation is enhanced and the petitioner is held entitled to Rs.40,000/- for each completed year or part thereof. The enhanced compensation shall be payable within a period of two months from the date of receipt of a certified copy of this order. Thereafter, petitioner shall be entitled to receive interest at the rate of 9% per annum.

6. With the modifications made in the impugned award, present writ petition stands disposed of.

(SHEKHER DHAWAN)
JUDGE

October 03, 2018.

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Whether speaking/reasoned? :	Yes
Whether reportable? :	Yes