

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

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**CWP-15252-2014 (O&M)
Date of decision:02.05.2018**

Ram Kumar

...Petitioner

Versus

Piccadily Agro Industries Limited and another

.... Respondents

2)

CWP-16452-2014 (O&M)

Hoshiar Singh

...Petitioner

Versus

Piccadily Agro Industries Limited and another

.... Respondents

3)

CWP-15260-2014 (O&M)

Anil Lamba

...Petitioner

Versus

Piccadily Agro Industries Limited and another

.... Respondents

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

Present: Mr. Dinesh Ghai, Advocate for the petitioner.

Mr. Vipul Jindal, Advocate for the respondent-Management.

P.B. BAJANTHRI, J. (ORAL)

This order shall dispose of the aforementioned 3 petitions.

However, for convenience and clarity, facts are being taken from petition bearing No.15252 of 2014.

2. In the present petition, petitioner has challenged the validity of the award dated 05.02.2014 (Annexure P-1). Petitioner was stated to have been appointed in the year 1998 and his services have been terminated on 23.09.2002. Thereafter, he had issued a demand notice in the year 2007. Labour court proceeded to pass award in favour of the petitioner only to the extent that he is entitled to compensation of Rs.50,000/- instead of reinstatement and consequential benefits.

3. Learned counsel for the petitioner submitted that once the order of termination is held to be bad in that event automatically workman is entitled for reinstatement with consequential benefits. Further in the alternative petitioner is entitled to compensation of Rs.10 lacs in terms of the decision rendered in CWP No. 13359 of 2011 and connected matters.

4. Per contra, learned counsel for the respondent-Management while resisting the petitioner's claim submitted that there is inordinate delay in raising demand notice for about 4 years. If the termination order is set aside there is no automatic reinstatement as held by the Supreme court in the case of ***Bharat Sanchar Nigam Limited versus Bhurumal and another*** reported in (2014) 7 SCC 177. Therefore, petitioner is not entitled to reinstatement with consequential benefits. There is no infirmity in the award passed by the labour court to the extent that petitioner had been extended the benefit of compensation.

5. Heard the learned counsel for the parties.

6. Question for consideration in the present petition is whether the petitioner is entitled to reinstatement with consequential benefits or in the alternative is he entitled to enhanced compensation or not? Having regard to service particulars like date of entry into service is in the year 1998 and his services were terminated in the year 2002 and there is inaction on the part of the petitioner in not raising demand notice timely, petitioner is not entitled to reinstatement with consequential benefits in view of the principle laid down in *Bhurumal's* case cited (supra). At the best petitioner is entitled to enhanced compensation from Rs.50,000/- to Rs.2 Lacs. Similarly in CWP No. 16452 of 2014 so also in CWP No. 15260 of 2014 petitioners was appointed on 01.03.1997 so they are entitled to enhanced compensation from Rs.50,000/- to Rs.2.5 Lacs.

7. The respondent has not questioned the validity of the award passed by the labour court. In other words, it has attained finality to the extent of entitlement of compensation to the petitioner. In view of these facts and circumstances, concerned respondent is hereby directed to calculate and disburse the enhanced compensation within a period of 3 months from today failing which petitioner is entitled to interest on the compensation amount @ 9% per annum from today.

02.05.2018

pooja saini

**(P.B.BAJANTHRI)
JUDGE**

Whether speaking/reasons
Whether Reportable:

Yes/No
Yes/No