

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-15578-2015 (O&M)

Date of Decision:-23.04.2018.

Lachhman Dass

.....Petitioner

Versus

The Presiding Officer, Industrial Tribunal-cum-Labour Court, Hissar and others

.....Respondents

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

Present: Mr. Dheeraj Narula, Advocate for the petitioner.

Mr. G.S. Wasu, Additional A.G. Haryana.

Mr. Vivek Khatri, Advocate for respondent No.2.

P.B. BAJANTHRI, J. (Oral)

In the instant writ petition, petitioner has challenged the award passed by the Labour Court dated 09.02.2015 (Annexure P-3).

2.) Petitioner was appointed as a Safai Karamchari by the respondents on 31.05.2008 and his services have been dispensed on 31.12.2010. Thus, he raised the industrial dispute. Labour Court proceeded to pass award a compensation of ₹ 35,000/-. While ordering so it was held that there is a non-compliance of Section 25-F of the Industrial Disputes Act, 1947 (for short 'the 1947 Act').

3.) Learned counsel for the petitioner submitted that petitioner is entitled to reinstatement in view of the violation of Section 25-F of the 1947

Act. Thus, Labour Court has erred in allowing only compensation of ₹ 35,000/-.

4.) *Per contra*, learned counsel for the respondents while resisting the contention of the petitioner submitted that petitioner has worked only for a short period of 2 years and few months as a Safai Karamchhari. Since, he is out of service from 2010, question of reinstatement and extending consequential benefits do not arise in view of the Supreme Court decision passed in **Bharat Sanchar Nigam Limited v. Bhurumal (2014) 7 SCC 177** .

At the same time, it was submitted that even if it is termination without notice, sufficient compensation has been awarded by the Labour Court. Therefore, no interference is called for.

5.) Heard the learned counsel for the parties.

6.) Undisputedly, petitioner has rendered 2 years and few months service with the respondents as a Safai Karamchhari. His termination is in violation of Section 25-F of the 1947 Act. In view of these facts and circumstances, it is not appropriate to order for reinstatement. At the best, petitioner is entitled to enhanced compensation from ₹ 35,000/- in view of the Supreme Court decision cited supra. Petitioner has rendered 2 years and few months of service with the respondents. Therefore, compensation of ₹ 35,000/- is modified to that of ₹ 2,00,000/-. The modified compensation shall be paid by the concerned respondent within a period of 3 months from today, failing which, petitioner is entitled to 6% interest.

7.) Petition stands disposed of.

8.) At this stage, learned counsel for respondent No.2 submitted that compensation awarded by the Labour Court is stated to have been paid

(-) whatever the amount paid by the second respondent to the petitioner.

(P.B. BAJANTHRI)
JUDGE

April 23, 2018.
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Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.