

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

**CWP No.18642 of 2014
Date of Decision: 05.02.2018**

Baljinder Kaur

..... Petitioner

Versus

The Presiding Officer, Industrial Tribunal, Bathinda and another

..... Respondents

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

Present: Mr. Raj Kaushik, Advocate
for the petitioner.

Mr. Sachin Luthra, Advocate for
Mr. I. S. Sidhu, Advocate
for respondent No.2.

P. B. BAJANTHRI J. (ORAL)

1. In the instant petition, petitioner has challenged the award passed by the Labour Court dated 20.05.2014 (Annexure P-6).

2. The petitioner was appointed as a Type Instructor on 11.05.1992. Her services were terminated on 01.04.1999 on the score that concerned Unit of respondents was closed. The Labour Court while rejecting the reference has not taken note of whether the petitioner is entitled to any compensation or not having regard to the service rendered by her during the period 11.05.1992 to 01.04.1999.

3. In identical circumstances, Hon'ble Supreme Court in the case of '*District Red Cross Society vs. Babita Arora and others*' (2007) 7 SCC 366 has been granted compensation under Section 25FFF of the Act. There also the petitioner-District Red Cross Society, Maternity Hospital was closed on 30.09.1998. The Hon'ble Supreme Court was pleased to

observe that Babita is entitled to compensation under Section 25FFF of the Act. Therefore, the matter is covered by the aforesaid decision rendered on 14.08.2007.

4. In fact the petitioner could have been accommodated in any one of Unit of the respondent. Having regard to the fact that petitioner is out of service from 01.04.1999, consequently, question of reinstatement do not arise.

5. The Hon'ble Supreme Court in the case of **BSNL vs. Bhurumal, (2014) 7 SCC 177** held that reinstatement is not automatic, there also instead of reinstatement, compensation had been granted.

6. The respondents are hereby directed to pay compensation of Rs.3 lacs within a period of four months from today, failing which the petitioner is entitled to interest @ 6% per annum.

7. Thus, award passed by the Labour Court dated 20.05.2014 is modified to the above extent.

Petition stands disposed of.

(P. B. BAJANTHRI)
JUDGE

05.02.2018

rittu

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No