

...

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

1. CWP-17073-2016
Date of Decision : August 18, 2018

Anmol Singh Petitioner.

Versus

Presiding Officer, Industrial Tribunal,
Patiala and others.
.... Respondents.

2. CWP-17074-2016

Charanjit Singh Petitioner.

Versus

Presiding Officer, Industrial Tribunal,
Patiala and others.
.... Respondents.

3. CWP-17075-2016

Harjeet Singh Petitioner.

Versus

Presiding Officer, Industrial Tribunal,
Patiala and others.
.... Respondents.

4. CWP-19729-2016

Dilbagh Singh Petitioner.

Versus

Presiding Officer, Industrial Tribunal,
Patiala and another.
.... Respondents.

...

CORAM : HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present Mr. Prem Singh Bhangu, Advocate
for the petitioner (in all the cases)

None for respondents No.2 to 4-Management.

SHEKHER DHAWAN, J.

Challenge in all these above titled four writ petitions is to the different awards passed by Industrial Tribunal, Patiala, (dated 1.6.2016 and 27.7.2006) whereby the petitioners-workmen have been held entitled to lump-sum compensation. As the issue with regard to entitlement of lump-sum compensation involved in all these writ petitions is the same, therefore, those writ petitions are being disposed of by this common judgment.

2. For facility of reference, facts are being taken from CWP-17073-2016 titled **Anmol Singh Vs. Presiding Officer, Industrial Tribunal, Patiala and others.**

3. Present writ petition under Articles 226/227 of the Constitution of India is for issuance of a writ in the nature of certiorari to quash award dated 01.06.2016 (Annexure-P/9) whereby learned Industrial Tribunal awarded lump sum compensation to workman (Anmol Singh) of Rs.45,000/- in lieu of his reinstatement.

4. Facts relevant for the purpose of decision of this writ petition; that the petitioner joined the respondent company as helper on 28.08.2000 and his services were terminated on 14.07.2012 without following any

...

established procedure or payment of compensation as required under Section 25 of the Industrial Disputes Act, 1947 (for short, '**the Act**'). The workman raised industrial dispute and the learned Tribunal pronounced the award partly in favour of the workman thereby ordering payment of lump sum compensation in lieu of reinstatement.

5. Learned counsel for the petitioner contended that the facts are not disputed that the petitioner joined the respondent company on 28.08.2000 and his services were terminated on 14.07.2012. It is the case of the petitioner that no compensation was awarded to him. He was getting Rs.6300/- per month as salary at the time of his termination and the learned Tribunal has awarded only a meager amount of lump sum compensation.

6. After filing of the writ petition, notice was ordered to be issued to the respondent company, but despite service there was no representation from the respondent's side and the Court had considered all the material evidence available on the file.

7. The plea taken by the respondent-management before the Industrial Tribunal was that payment of Rs.12,406/- was made vide cheque No.400294 dated 12.07.2012 as stated by MW1 Vipin Dureja, Assistant Manager. It was also the case of the management before the Tribunal that the respondent company has temporarily been closed since 2012.

8. As regard to payment of compensation of Rs.12,406/- it had come in the cross-examination of MW1 that no payment was made to the petitioner in his presence nor he has any knowledge whether the said

...

cheque was encashed or not.

9. As was the case before the learned Tribunal that the respondent company has already been closed down since 2012, so at this stage, there is no question of reinstatement of the petitioner in job and it is to be seen by this Court whether learned Tribunal has awarded reasonable compensation or not.

10. In this bunch of four writ petitions, as the petitioners/workmen have put in more than 08 years to 12 years of service, this Court is of the considered view that the Tribunal has not taken reasonable view while awarding lump-sum compensation to the workmen and the compensation amount is on much lower side. Identical matter was before a Division Bench of this Court in **Sunil Kumar Vs. Presiding Officer, Industrial Tribunal-cum-Labour Court, Gurdaspur and others, LPA No. 2078 of 2014**, decided on 19.11.2015 where the workmen had served for 4-1/2 years to 8-1/2 years and they were awarded compensation to the tune of Rs.30,000/- for each completed year of service.

11. Resultantly, applying the aforesaid principle to the present set of cases, all the writ petitioners-workmen shall be entitled to compensation @ Rs.30,000/- per annum for each completed year of service or part thereof. Respondent-Management shall be liable to make payment of amount of compensation so assessed, within a period of three months from today, failing which the petitioners shall be entitled to interest @ 9% per annum from today.

12. Resultantly, the writ petitions are partly allowed in the above

...

terms.

(SHEKHER DHAWAN)
JUDGE

August 18, 2018.
jitender/som

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