

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-25785-2012 (O&M)

Date of Decision:-24.04.2018.

District Education Officer, Hisar and others

.....Petitioners

Versus

Balwan Singh and another

.....Respondents

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

Present: Mr. Rajesh Gaur, Additional A.G. Haryana.

Mr. T.C. Dhanwal, Advocate for respondent No.1.

P.B. BAJANTHRI, J. (Oral)

In the instant writ petition, petitioner has challenged the award passed by the Labour Court dated 13.02.2012 (Annexure P-1).

2.) Respondent-workman was stated to have been appointed as Water Carrier on 22.09.1989. His services have been terminated on 30.09.2003. He has raised a demand notice on 07.08.2006. Further claim statement was submitted on 26.02.2008. Undisputedly, respondent-workman's services were engaged as a Water Carrier on *ad hoc* basis. No doubt there is a violation of Section 25-F of the Industrial Disputes Act, 1947 insofar as petitioner's termination is concerned. At the same time, one has to examine the conduct of the respondent-workman to the extent that as and when his services were terminated on 30.09.2003, he did not raise demand notice immediately. He slept over the matter for a period of 3

years. He has raised demand notice for the first time on 7.8.2006 and submitted his claim statement on 26.02.2008. In view of the conduct of the respondent-workman, he is not entitled for reinstatement with consequential benefits as awarded by the Labour Court on 13.02.2012. Thus, award dated 13.02.2012 is modified to the extent that respondent-workman is entitled to compensation instead of reinstatement. Respondent-workman having rendered service from 22.09.1989 to 30.09.2003 and the fact that similarly situated persons have been continued and respondent-workman's services have been dispensed way back on 30.09.2003, it is not appropriate that he is entitled to reinstatement with consequential benefits. At the best he is entitled to compensation in view of the Supreme Court decision passed in **Bharat Sanchar Nigam Limited v. Bhurumal (2014) 7 SCC 177.** Respondent-workman is entitled to compensation of ₹ 5,00,000/-. Petitioners are hereby directed to pay compensation of ₹ 5,00,000/- within a period of 4 months from today, failing which respondent-workman is entitled to interest on the compensation amount @ 6% per annum from today.

3.) Petition stands allowed in part.

(P.B. BAJANTHRI)
JUDGE

April 24, 2018.
sandeep

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.