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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-19478-2015

Date of Decision : July 11, 2018

Santosh Devi and others

.... Petitioners.

Versus

The Presiding Officer, Labour Court, Panipat
and another.

.... Respondents.

CORAM : HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present Mr. J.S.Bedi, Advocate
for the petitioner.

Mr. Vishal Khatri, Advocate,
for Mr. Vipul Jindal, Advocate,
for respondent No.2.

SHEKHER DHAWAN, J.

Present writ petition under Article 226/ 227 of the Constitution of India is for issuance of a writ in the nature of certiorari for quashing award dated 7.12.2012 (Annexure P/1) to the extent that learned Labour Court, Panipat granted only a paltry amount of Rs.1,50,000/- as compensation in favour of the petitioners, ignoring the fact that the services of workman - Satya Pal Singh (since deceased) were illegally terminated in violation of provision of Section 25-F of the Industrial Disputes Act, 1947 (for short, "the Act").

2. The short point involved in the present writ petition is regarding

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payment of compensation amount because the Labour Court has already recorded the finding that Satya Pal Singh (since deceased) was a workman and was working as Cane Surveyor with the respondent-Management. He was appointed as such on 3.12.1996 and was getting monthly salary of Rs.3316.50 ps. He worked till 4.10.2001, when his services were terminated on the wrong allegations that the workman absented from duty.

3. The management had come with the plea that the workman had absented himself and did not join his duties on his own and thus, it was not a case of termination.

4. Upon a Reference having been made on this point by the appropriate authority, learned Labour Court after appraisal of material and evidence available on the file pronounced the award and granted a sum of Rs.1,50,000/- as compensation payable to the petitioners, who are L.Rs of deceased workman.

5. At the time of hearing, learned counsel for the petitioners contended that the workman while working with the respondent-Management for a pretty long period of five years i.e., from 1996 to 2001 was drawing monthly wages of Rs.3,316.50. However, learned Labour Court has not given adequate compensation and the same deserves enhancement. In support of his contention, he has placed reliance on various decisions of Hon`ble Supreme Court in **Mahboob Deepak Vs. Nagar Panchayat Gajraula & Anr., 2008 (1) SCT 310; Assistant Engineer, Rajasthan Dev. Corp. and Anr. Vs. Gitam Singh, 2013 (2) JT 231; Bharat Sanchar Nigam Ltd. Vs. Man Singh, 2012(1) SCC 558;**

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B.S.N.L Vs. Bhurma 2014(3) SCT 49 and Division Bench judgment of this Court in **LPA No. 754 of 2010, Municipal Council, Dina Nagar Vs. Presiding Officer, Labour Court, Gurdaspur and another**, decided on 10.10.2014.

6. While arguing this point, learned counsel for the respondent-Management contended that the petitioners have been duly compensated as it was not a case of termination on the part of the Management, rather the workman willfully abandoned the job. To support his contention, reliance has been placed upon judgments of Hon`ble Supreme Court in **Divisional Controller, GSRTC Vs. Kadarbhai J. Suthar**, 2007 (2) SCT 255; **Haryana Urban Development Authority Vs. Om Pal**, 2007 (2) SCT 748; **Jaipur Development Authority Vs. Ram Sahai & Anr.** 2006(4) SCT 772; **Uttanchal Forest Development Corporation Vs. M.C.Joshi**, 2007(2) SCT 562 and **Madhya Pradesh Administration Vs. Tribhuban** 2007(2) SCT 737. So, the present writ petition lacks merits and the same be dismissed.

7. Having considered the submissions made by learned counsel for the parties and after going through the law cited by both the parties and there being no dispute on the basic fact that the Tribunal has recorded the findings on the basis of material and evidence available on the file that Satya Pal Singh (since deceased) was working as a workman and he had served the management from 1996 to 2001 when his services were terminated without complying with the provisions of Section 25-F of the Act, this Court is of the considered view that the petitioners are certainly entitled to be compensated and the amount of compensation awarded in favour of

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the petitioners is inadequate. The workman had worked for almost five years and was getting monthly salary of Rs.3,316.50 ps. However, learned Tribunal failed to exercise its judicial discretion appropriately. The judicial discretion exercised by the Labour Court suffers from serious infirmity. In the given facts and circumstances, the ends of justice would meet suitably, if the amount of compensation is enhanced to total compensation of Rs.2,50,000/-. Since the petitioners have already received a sum of Rs.1,50,000/- as awarded by learned Labour Court, they shall be entitled to receive additional sum of Rs.1,00,000/-. Such enhanced payment shall be made to the petitioners within six weeks from today, failing which the same will carry interest @ 9% per annum. So ordered.

8. Resultantly, the present writ petition is partly allowed in the above terms.

(SHEKHER DHAWAN)
JUDGE

July 11, 2018.
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Whether speaking/reasoned? :	Yes
Whether reportable? :	Yes