

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

CWP-2351-2016

Date of Decision:02.02.2018

Jagtar Singh

... Petitioner

Vs.

Presiding Officer and others

... Respondents

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

Present : Mr. M.K. Garg, Advocate for the petitioner.

Mr. G.S. Brar, Advocate for respondents No.2, 3 and 4.

P.B. BAJANTHRI J. (Oral)

In the instant petition, petitioner has challenged the award passed by the Labour Court dated 5.5.2015 (Annexure P-8).

Petitioner is stated to have been appointed as Work Munshi on 1.11.1986. He is stated to have drawn Rs.570/- per month as wages. His services were dispensed on 5.11.1987. Thus, he raised industrial dispute by raising demand notice on 15.11.1990.

Learned counsel for the petitioner contended that petitioner's services have been illegally terminated. Consequently, he be entitled for benefit of reinstatement.

Per contra, learned counsel for respondents No.2 to 4 while resisting the petitioner's claim submitted that he has not completed 240 days. Further his services were never terminated. On the other hand, he had abandoned the service. Therefore, rightly Labour Court has held that petitioner has not made out a case for reinstatement.

Heard learned counsel for the parties.

Respondents have not made out a case on the ground of abandoning the service since no material has been placed on record to show

that appellant's services were terminated as and when he remained absent. Having regard to the service of one year rendered by the petitioner and the fact that he raised a dispute on 15.11.1990, petitioner is not entitled to reinstatement and consequential benefits. At the best, he is entitled to compensation. Accordingly, respondents are hereby directed to pay compensation of Rs.40,000/- within a period of three months from today. Failing which petitioner is entitled to interest @ 6% per annum from today.

Petition stands disposed of accordingly.

02.02.2018
rajeev

(P.B. Bajantri)
Judge

Whether speaking/reasoned **Yes/No**

Whether reportable **Yes/No**