

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-27843-2013 (O&M)

Date of Decision:-22.01.2018.

Surjit Singh

.....Petitioner

Versus

Presiding Officer, Industrial Tribunal, Bathinda and others

.....Respondents

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

Present: Mr. Puneet Kumar Bansal, Advocate for the petitioner.

Mr. Mukul Aggarwal, Advocate for respondent Nos.3 and 4.

P.B. BAJANTHRI, J. (Oral)

In the instant writ petition, petitioner has challenged the award passed by the Labour Court dated 11.09.2013 (Annexure P-1).

Petitioner was appointed as a Chowkidar on 1.9.2001. His services were terminated on 18.03.2004. He raised an industrial dispute. Reference No.146 of 2005 was decided by the Labour Court on 11.09.2013. While appreciating factual aspect relating to closure of concerned branch of the respondent-Corporation, Labour Court awarded a sum of ₹ 25,000/- as compensation. Hence, the present petition.

Learned counsel for the petitioner submitted that even though branch of the Corporation was closed he could have been accommodated in another branch of Corporation. Therefore, there is a violation of various provisions of the Industrial Disputes Act, 1947 (for short 'Act, 1947). Even granting of compensation of ₹ 25,000/- for rendering 2 ½ service would be too meagre.

Per contra, learned counsel for the respondents while resisting

the petitioner's contention submitted that as on the date of termination of the petitioner on 18.03.2004, notice was sent along with cheque of ₹ 4,366/- and the same has been refused by the petitioner. Therefore, there is compliance to Section 25-F of the Act, 1947. Even granting of compensation of ₹ 25,000/- is in order, therefore, no interference is called for.

Heard learned counsel for the parties.

Undisputedly, respondents-Management has not challenged the award passed by the Labour Court dated 11.09.2013 to the extent that they have complied various provisions of the Act, 1947 before terminating petitioner's services. In other words, compensation awarded by the Labour Court has been accepted. Therefore, question for consideration is whether award of compensation of ₹ 25,000/- for rendering 2 ½ years of service would be correct or not. Supreme Court in the case of **Bharat Sanchar Nigam Limited v. Bhurumal (2014) 7 SCC 177** held that even though Labour Court comes to the conclusion that an employee is entitled to reinstatement in that event instead of reinstatement compensation would suffice. The said principle has been adopted by the Labour Court. However, for rendering 2 ½ years of service, compensation of ₹ 25,000/- is too meagre. Therefore, compensation awarded is enhanced from ₹25,000/- to ₹2.5 lacs. Respondents are hereby directed to pay enhanced compensation within a period of 3 months from today, failing which petitioner is entitled to interest @ 6 % per annum from today.

(P.B. BAJANTHRI)
JUDGE

January 22, 2018.

sandeep

Whether speaking/reasoned:-

Whether Reportable:-

Yes / No

Yes / No.