

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

CWP-279-2013 (O&M)

Date of Decision: 29.01.2018

Jaswant Singh

... Petitioner

Vs.

M/s Worldwide Leather Export Limited and another ... Respondents

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

Present : Mr. Ashwani Bakshi, Advocate for the petitioner.
Mr. P.L. Verma, 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 7.1.2010 (Annexure P-1).

Petitioner was appointed as a operator in the month of January 1996. His services were terminated on 10.10.1998. Thus, he raised industrial dispute. Reference was decided in favour of the petitioner on 07.01.2010 to the extent that petitioner is entitled to compensation of Rs.25,000/-.

Learned counsel for the petitioner submitted that his termination is illegal and contrary to the provisions of ID Act. During pendency of this petition, respondents have taken contention that respondent-company was closed. Therefore, question of reinstatement do not arise. Learned counsel for the petitioner submitted that not even a notice has been issued before ordering termination and it was also submitted that only the name of the company has been changed and a new name of the company has been incorporated and the persons who are running the company are the same. Therefore, he is entitled to reinstatement. Labour Court has erred in not extending the benefit of reinstatement.

Heard learned counsel for the parties.

Undisputedly, petitioner has rendered service as an operator for a period about 2 years and few months during the period from 1.1.1996 to 1998 having regard to the fact that petitioner is out of service from 10.10.1998, therefore, question of reinstating at this juncture may not be appropriate. Moreover, respondent-company has closed and a new company is stated to be existing. Therefore, award of compensation is to be enhanced from Rs.25,000/- to Rs.2.5 lacs.

Accordingly, award passed by the Labour Court dated 07.01.2010 is modified to the extent that petitioner is entitled to compensation of Rs.2.5 lacs. The same shall be paid by the respondents within a period of four months from today. Failing which petitioner would be entitled to interest @ 6% per annum from today.

Disposed of accordingly.

29.01.2018
rajeev

(P.B. Bajanthri)
Judge

Whether speaking/reasoned **Yes/No**

Whether reportable **Yes/No**