

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-3232-2015 (O&M)  
Date of Decision:-21.03.2018.

Satyavir

.....Petitioner

Versus

The Presiding Officer, Labour Court, Hisar and another

.....Respondents

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

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Present: Mr. Deepak Sonak, Advocate for the petitioner.

Mr. Rohit Arya, AAG, Haryana.

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**P.B. BAJANTHRI, J. (Oral)**

In the instant writ petition, petitioner has challenged the award passed by the Labour Court dated 13.01.2012 (Annexure P-3).

(2.) Petitioner is stated to have been appointed as a Beldar on 15.07.1990 and his services were terminated on 31.07.2005. Thereafter, he raised a demand notice on 08.08.2006. Labour Court proceeded to pass award against the petitioner on 13.01.2012. Hence, the present petition.

(3.) Learned counsel for the petitioner submitted that despite making necessary application before the Labour Court for production of relevant records during the period from 1990 to 2005, the official respondents have produced records relating to 1998 to 1999 and they have not produced complete records for the disputed period. Therefore, an inference can be drawn to the extent that petitioner has worked up to 2005. Consequently, the termination is illegal.

(4.) Learned counsel for the respondents submitted that there is a

delay in issuing demand notice to the extent of 1 year from the date of termination so also presenting the present petition to the extent of nearly 3 years. Having regard to the conduct of the petitioner, he is not entitled for the relief sought in the present petition.

(5.) Heard learned counsel for the parties.

(6.) Undisputed facts are that petitioner was appointed as Beldar on *ad hoc* basis. His services were terminated on 31.07.2005. No explanation has been given as to why the demand notice was issued after one year from the date of termination so also in not approaching this Court insofar as questioning the award dated 13.01.2012, which is stated to have been issued in the Gazette on 10.09.2012 and presented the present petition on 18.02.2015. In view of the aforesaid conduct of the petitioner, he is not entitled to reinstatement with service 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** Accordingly, Labour Court award dated 13.01.2012 (Annexure P-3) is modified to the extent that petitioner is entitled to compensation of ₹ 2.5 lacs. Compensation shall be released to the petitioner by the respondents within a period of 4 months from today, failing which petitioner is entitled to interest @ 6% per annum from today.

(7.) Petition stands allowed in part.

**(P.B. BAJANTHRI)**  
**JUDGE**

**March 21, 2018.**  
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Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.