

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

CWP No.6404-2015

Date of Decision: 21.09.2018

Nachhatar Singh

....Petitioner.

Versus

Presiding Officer, Labour and Industrial Tribunal, Patiala and others

...Respondents.

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present: Mr. Narinder S. Lucky, Advocate
for the petitioner.

Mr. Ravi K. Mattoo, Advocate
for respondents No.2 and 3.

SHEKHER DHAWAN, J.

Present writ petition under Articles 226/227 of the Constitution of India is for challenge to the award dated 02.12.2013 (Annexure P/3) passed by learned Industrial Tribunal, Patiala (hereinafter referred to as, 'the Tribunal') wherein lump-sum compensation of Rs.10,000/- in lieu of reinstatement and back wages has been awarded to the petitioner.

2. Facts relevant for the purpose of decision of this writ petition; that the petitioner-workman was employed as Medical Assistant and he joined on 04.03.2002. His services were illegally terminated on 01.06.2003 without issuance of any notice or payment of retrenchment compensation etc.

3. The petitioner raised industrial dispute, management contested the reference before the Tribunal on the ground that the petitioner was employed as Medical Assistant on consolidated salary of Rs.2600/- per month. He remained on leave w.e.f. 28.05.2003. The petitioner was gainfully employed and had attained the age of 63 years and it was not a case of illegal termination.

4. Learned Tribunal decided the reference that in view of total length of service of the petitioner i.e. from 04.03.2002 to 01.06.2003, the date of termination, reinstatement would not be the remedy but payment of lump sum compensation would be justified and awarded Rs.10,000/-.

5. Undisputedly, the management has not challenged the award before this Court, rather the petitioner has filed the present writ petition challenging the award dated 02.12.2013 (Annexure P/3).

6. Learned counsel for the parties have advanced their arguments on the above lines.

7. Having considered the submissions made by learned counsel for the parties and appraisal of the record, this Court is of the considered view that the facts are not disputed that the petitioner was appointed on 04.03.2002 and his services were terminated on 01.06.2003 without issuance of any notice or payment of retrenchment compensation etc. The petitioner has already attained the age of 63 years so the relief of reinstatement has rightly not been given to the petitioner. However, since the petitioner has been able to prove his employment with the management from 04.03.2002 to 01.06.2003, lump sum amount awarded to the petitioner i.e. Rs.10,000/- is certainly inadequate. Now, as the period of

more than 15 years has already been elapsed, it may not be appropriate to order reinstatement of the petitioner, at this stage.

8. Identical matter was before a Division Bench of this Court in **Sunil Kumar Vs. Presiding Officer, Industrial Tribunal-cum-Labour Court, Gurdasput and others, LPA No.2078 of 2014,** decided on 19.11.2015 where the workmen were awarded compensation to the tune of Rs.30,000/- for each completed year of service.

9. Resultantly, applying the aforesaid principle to the present case, the workman shall be entitled to compensation @ Rs.30,000/- per annum for each completed year of service of part thereof. Respondent-management shall be liable to make payment of amount of compensation so assessed, within a period of three months from today, failing which the petitioner shall be entitled to interest @ 9% per annum from today.

10. Resultantly, the writ petition stands partly allowed in the above terms.

(SHEKHER DHAWAN)
JUDGE

September 21, 2018.
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