

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

CWP-842-2014 (O&M)

Date of Decision: 23.04.2018

Mahesh Kumar

... Petitioner

Vs.

The Principal Delhi Public School and others

... Respondents

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

Present : Mr. A.D.S. Bal, Advocate
for the petitioner.

Mr. Sachin Mittal, Advocate
for respondent No.2.

P.B. BAJANTHRI J. (Oral)

In the instant petition, petitioner has challenged the award passed by the Labour Court dated 21.10.2013 (Annexure P-11).

2. Petitioner is stated to have been appointed as a Driver with the respondent-School on 01.01.2002. His services have been terminated on 2.6.2009. Thereafter, he raised a demand notice and also filed claim statement. Even though, reference was allowed by the Labour Court instead of reinstatement, a compensation of Rs.70,000/- has been awarded. Hence, the present petition.

3. Learned counsel for the petitioner submitted that Labour Court has come to the conclusion that there is violation of Section 25-F of the Industrial Disputes Act, 1947 (for short "the Act"). Consequently, he is entitled for reinstatement having regard to the fact that he has rendered more than 7 years of service. Further it is contended that even if the petitioner is not entitled for reinstatement, award of compensation of Rs.70,000/- would be too meager.

4. Per contra, learned counsel for the respondent submitted that

petitioner is not a workman. In other words, he do not fall under the definition of workman. It was also submitted that there is no infirmity in the award to the extent of extending the benefit of compensation of Rs.70,000/- on account of the fact that petitioner has rendered about 7 years of service.

5. Heard the learned counsel for the parties.

6. Preliminary objection raised by the learned counsel for the respondent that petitioner do not fall under the definition of workman cannot be taken into consideration since it is to be noted that management have not questioned the validity of the award passed by the Labour Court. Petitioner has rendered service for about 7 ½ years as a driver with the respondent-school and it is undisputed that there is violation of Section 25-F of the ID Act. Award of compensation of Rs.70,000/- would be too meager in view of the decision of the Supreme Court in the case of **B.S.N.L v. Bhurumal**; (2014) 7 SCC 177. Therefore, award passed by the Labour Court dated 21.10.2013 is modified to the extent of awarding a compensation from Rs.70,000/- to Rs.3,50,000/- Respondents are hereby directed to pay the modified compensation of Rs.3,50,000/- within a period of three months from today. Failing which petitioner would be entitled to interest @ 6% per annum from today.

7. Petition stands disposed of accordingly.

23.04.2018
rajeev

(P.B. Bajanthri)
Judge

Whether speaking/reasoned Yes/No

Whether reportable Yes/No