

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

CWP No.3343 of 2018 (O&M)

Date of decision: May 30, 2018

Manager, Bright Star Hotels Pvt. Ltd.

...Petitioner

Versus

Presiding Officer and another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Ferry Sofat, Advocate for the petitioner.
Mr. G.S. Bal, Senior Advocate with
Mr. A.D.S. Bal, Advocate for respondent No.2.

Rajan Gupta, J.(oral)

Present petition is directed against the order dated 18.12.2017, passed by the Presiding Officer, Industrial Tribunal-cum-Labour Court, Gurugram. Reference was made to said Tribunal to determine whether termination of workman was justified, if not, the relief he was entitled to.

On due consideration of the matter, Tribunal came to the conclusion that the workman was entitled to reinstatement with full back wages from the date of termination i.e. 9.2.2013 to October, 2016, when he attained the age of superannuation. Petitioners has impugned the order on various grounds. However, this court finds that the Tribunal arrived at the finding after considering the evidence led before it. This court does not find any infirmity with the order passed by the Tribunal. Admittedly, the workman having attained the age of superannuation, cannot be reinstated in service. Under the circumstances, it would be just and equitable to grant him lumpsum compensation. Petitioner Management (on instructions from Jagat Pal, Assistant Credit Manager, who is present in court) has fairly agreed to grant him a lumpsum amount of Rs.3.00 lacs as compensation, which the workman accepts.

Under the circumstances, the order passed by the Tribunal is upheld. However, the petition is disposed of in view of the settlement arrived at between the parties. In case the amount is not remitted to the respondent workman within one month from today, the order shall become executable.

(RAJAN GUPTA)
JUDGE

May 30, 2018
'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No