

LPA-1408-2016

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IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

LPA-1408-2016 (O&M)

Date of Decision: 12.11.2018

Natha Singh

...Appellant.

Versus

Presiding Officer, Industrial Tribunal-cum-Labour Court, Gurdaspur and
others

...Respondents.

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL.
HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL.**

PRESENT: Mr. Rajeev Dev Sharma, Advocate for the appellant.

Mr. Samir Sachdeva, Advocate for
Mr. Sanjeev Soni, Advocate for respondent No.3.

AJAY KUMAR MITTAL, J.

CM-2953-LPA-2016

This is an application under Section 5 of the Limitation Act,
1963 for condonation of 650 days' delay in filing the appeal.

After hearing learned counsel for the parties and perusing the
application which is supported by an affidavit, the delay of 650 days in
filing the appeal is condoned. CM stands disposed of accordingly.

CM-2954-LPA-2016

Application is allowed and the order dated 19.11.2015

LPA-1408-2016

1. Challenge in this Letters Patent Appeal is to the order dated 1.7.2014 passed by the learned Single Judge vide which CWP-22369-2011 filed by the appellant was partly allowed.

2. A few facts necessary for adjudication of the present appeal as narrated therein may be noticed. The appellant was employed on 1.9.1993 as a Keyman (controlling the flow of water) as regular and perennial nature and was drawing salary of ₹ 2500/- per month. He remained in employment till 31.3.2002. There was no break in the service. However, the services of the appellant were terminated without issuing any show cause notice, enquiry or without making the payment of retrenchment compensation inspite of the fact that there was a regularization policy dated 23.1.2001 according to which the person having three years of service was entitled to be regularized. Accordingly, the appellant filed CWP-22369-2011 and this Court vide order dated 1.7.2014 partly allowed the writ petition and besides granting compensation of ₹ 1,60,000/- to the appellant also awarded litigation expenses of ₹ 20,000/-. Hence, the present Letters Patent Appeal.

3. We have heard learned counsel for the parties.

4. It was not disputed by the learned counsel for the parties that the similarly situated persons approached this Court by way of civil writ petitions and learned Single Judge vide a common judgment dated 1.7.2014 passed in CWP-22369-2011 and other connected cases disposed of the writ petitions. CWP-22369-2011 was filed by the appellant. Letters Patent Appeals were filed by the writ petitioners against the decision of the learned Single Judge dated 1.7.2014 and these appeals were disposed of by a common order dated 19.11.2015 (Annexure A-1) by enhancing the amount

of compensation from ₹ 20,000/- to ₹ 30,000/- for each completed year.

The operative part of the said order reads thus:-

“5. As per view taken by a Division Bench of this Court in **State of Haryana through Executive Engineer, PWD, Public Health Division No.2, Sonipat v. Ishwar Singh and another 2009 (1) RSJ 24**, compensation was ordered in favour of the petitioners-appellants @ ₹ 20,000/- for each completed year and learned Single Judge also assessed compensation in these cases @ ₹ 20,000/- for each completed year for the workmen.

6. We have considered this matter on the point of amount of compensation to be awarded in such cases where appellants have already worked for a period ranging from 4½ to 8½ years and are of the view that the amount of compensation should be enhanced in these cases and are further of the view that amount of ₹ 20,000/- should be enhanced to ₹ 30,000/- for each completed year as per table attached as 'Schedule A' with the impugned judgment. So ordered. The amount, as indicated, be paid to the appellants within a period of 2 months from the date of receipt of copy of this order, failing which the same will carry interest @ 9% per annum from the date of this order.”

5. Accordingly, it was not disputed that the present appeal is covered by the said decision of the Letters Patent Bench. Consequently, the

present appeal is also disposed of in terms of the order dated 19.11.2015
(Annexure A-1).

(AJAY KUMAR MITTAL)
JUDGE

November 12, 2018
gbs

(MANJARI NEHRU KAUL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No