

LPA No. 217 of 2016 (O&M) 1

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

LPA No. 217 of 2016 (O&M)

Date of Decision : 08.10.2018

Jarnail Singh

....Appellant

Versus

The Director, Rural Development and Panchayats Punjab and others

...Respondent(s)

**CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR JUSTICE MAHABIR SINGH SINDHU**

**Present : Mr.K.G.Chaudhary, Advocate for the appellant
Mr. Suveer Sheokand, Addl. AG, Punjab**

**MAHESH GROVER, J.(ORAL)
CM No.438-LPA-2016**

After hearing learned counsel for the applicant and going through the reasons mentioned in the application, delay of 64 days in re-filing is hereby condoned. CM stands allowed.

Main case

This appeal is directed against the judgment of the learned Single Judge dated 7.8.2015.

As a writ Court, learned Single Judge dealt with a challenge to the award of the Labour Court dated 1.11.2012 by which the award in favour of the workman entitling him to employment as a Peon on daily wages as a fresh appointee was upheld. While disposing of the writ petition it concluded as below:-

“Since the Management has not given any

offer to the workman, as submitted by Mr. Chaudhary,

during the pendency of the writ petition in pursuance to the directions contained in the award and the fact remains that for long period, the workman had been out of service and there is no proof whether there was availability of work for such post or not, I deem it appropriate to grant consolidated compensation of Rs.5,00,000/- to be paid by the Management, keeping in view the ratio culled out in the judgment rendered in B.S.N.L Versus Bhurmal, 2014(7) SCC 177. The Management is directed to make the payment of the aforementioned amount of compensation within a period of three months from the date of receipt of certified copy of this order, failing which it shall entail interest @ 12% per annum.”

This has been impugned by the workman in the present appeal to contend that he is willing to give up his claim of back wages and compensation provided he is reinstated in service.

We had on 24.8.2016 noted that we did not find any reason to differ with the judgment of the learned Single Judge but before offering detailed reasoning we thought it prudent to ask the State about their willingness to reinstate the appellant in the eventuality of his giving up his claim to back wages and compensation.

Despite several opportunities the State has failed to respond to our order dated 24.8.2016. Two years have elapsed since then and it is unreasonable to grant any further adjournment to the State for the said purpose.

On perusal of the matter we are of the opinion that the order of

the learned Single Judge does not warrant any interference for the simple reason that reinstatement is not a matter of right and the learned Single Judge has while declining the claim for reinstatement noticed the employment of the workman with the respondents from 1994 till 2001 to grant a compensation of Rs.5 lacs which we find just and adequate in the given circumstances. Even otherwise after 17 years, reinstatement in service is not a feasible course to be adopted. There is no information with us whether the respondents have granted the aforesaid compensation to the appellant. In case they have not paid the compensation as per the directions of the learned Single Judge till now we direct its release and disbursal to the appellant within four weeks from the date of receipt of the certified copy of this order alongwith interest of 8% per annum for delay in honouring the judgment of this Court. 8% per annum interest will carry from date of judgment of the learned Single Judge i.e 7.8.2015 till the date of its payment. The appellant would also be entitled to costs of Rs.50,000/- from the State on account of delay that has been caused in the proceedings from 2016 to 2018, which shall be compensatory to the appellant. Amount of costs shall be paid to the appellant within a period of one month from the date of receipt of the certified copy of this order.

Disposed of in above terms.

(Mahesh Grover)
Judge

08.10.2018

rekha

Whether speaking/reasoned

Whether reportable

Yes/No

Yes/No

(Mahabir Singh Sindhu)
Judge