

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

LPA No.2173 of 2017 (O&M) in
CWP No.26374 of 2014
Date of Decision:- 19.01.2018.

Kulwant Singh

...Appellant

Versus

Industrial Tribunal, Patiala and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL
HON'BLE MR. JUSTICE B.S. WALIA**

Present:- Ms. Sukhmani Patwalia, Advocate for
Mr. Vikas Singh, Advocate
for the appellant.

Rajesh Bindal, J.

Order passed by the learned Single Judge, dismissing the writ petition filed by the appellant, while upholding the award of the Labour Court, has been impugned in the present intra-court appeal.

2. The appellant claimed that he was appointed as daily wager in the year 1993 and his services were terminated in the year 1995. He raised a demand notice after four years. In the year 1999, the matter was referred to Labour Court. However, on 16.04.2008, he sought to withdraw the reference with liberty to raise fresh industrial dispute. Then again demand notice was issued in the year 2009 and the matter was referred to the Labour Court. Keeping in view the totality of the circumstances and the period of delay, the Labour Court vide award dated 27.08.2014, directed that the appellant be paid compensation of ₹ 25,000/- instead of reinstatement with back wages. The award passed by the Labour Court was upheld by the learned Single Judge.

3. Considering the fact that the appellant was terminated from service in the year 1995 and he sought to raise industrial dispute four years thereafter in the year 1999, that too was withdrawn after nine years with liberty to raise fresh industrial dispute and the Labour Court having granted compensation of ₹ 25,000/- to the appellant, who had merely worked for 2 years, the order of learned Single Judge cannot be said to be erroneous in any way, whereby award of Labour Court has been upheld.

4. The appeal is dismissed accordingly. Consequently, the application for condonation of delay in refiling the appeal is also dismissed.

(Rajesh Bindal)
Judge

(B.S. Walia)
Judge

19.01.2018
rajesh.k.khurana

Whether speaking /reasoned : Yes / No
Whether Reportable : Yes / No