

LPA No. 1071 of 2018 (O&M)

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

**LPA No. 1071 of 2018 (O&M)
Date of decision: 27.8.2018**

Ram Kumar

... Appellant

Versus

Piccadily Agro Industries Ltd. and another

... Respondents

ii)

LPA No. 1072 of 2018 (O&M)

Hoshiar Singh

... Appellant

Versus

Piccadily Agro Industries Ltd. and another

... Respondents

iii)

LPA No. 1223 of 2018 (O&M)

Anil Lamba

... Appellant

Versus

Piccadily Agro Industries Ltd. and another

... Respondents

**CORAM: HON'BLE MR. JUSTICE KRISHNA MURARI,
CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI, JUDGE**

**Present: Mr. Dinesh Ghai, Advocate,
for the appellant(s).**

These are intra-court appeals, under Clause X of the Letters Patent, against a common order and judgment dated 2.5.2018, rendered by the learned Single Judge, vide which three separate writ petitions preferred

LPA No. 1071 of 2018 (O&M)

by the appellants-workmen herein, against similar awards of an even date, rendered by the Labour Court, were disposed of, by awarding enhancement in the compensation awarded by the Labour Court.

As regards **LPA No. 1071 of 2018 (Ram Kumar Vs. Piccadily Agro Industries Ltd. and another)**, the appellant-workman was appointed as Fitter by the respondents in the year 1998, and his services were brought to an end on 23.9.2002. On a consideration of the matter and the evidence on record, the Labour Court reached a conclusion that since the appellant-workman had rendered continuous service for a period of 240 days in the 12 calendar months immediately preceding his termination, thus the respondents had violated the provisions of Section 25F of the Industrial Disputes Act, 1947, (for short 'the Act). But, in reference to the decisions of the Supreme Court in **Uttaranchal Forest Development Corporation Vs. M.C. Joshi, 2007 (113) FLR 191 (SC); M.P. Administration Vs. Tribhuwan, 2007 (113) FLR 886 (SC); Jagbir Singh Vs. Haryana State Agriculture Marketing Board and another, 2009 (122) FLR 665 (SC)** as also the fact that appellant-workman remained in employment only for a period of four years and he raised an industrial dispute after a gross, inordinate and unexplained delay of nearly five years, it was concluded that it was not a case wherein reinstatement of the workman would be conducive to industrial peace and harmony. Thus, the appellant-workman could instead be awarded a lump sum compensation, which was quantified at Rs. 50,000/-.

Likewise, in **LPA Nos. 1072 of 2018 (Hoshiar Singh Vs. Piccadily Agro Industries Ltd. and another)** and **1223 of 2018 (Anil Lamba Vs. Piccadily Agro Industries Ltd. and another)**, for the appellants-workmen were employed in the year 1997, their services were terminated in September 2002, and they too had raised an industrial dispute

LPA No. 1071 of 2018 (O&M)

nearly five years later, but as they had served for a slightly longer period, the Labour Court awarded Rs. 75,000/- each, as compensation.

Although, the learned Single Judge affirmed the awards rendered by the Labour Court in so far as the appellants were declined reinstatement, and were held entitled to be awarded compensation only, but considering the period for which they were in employment of the respondents and the other relevant factors, in reference to the decision of the Supreme Court in **Bharat Sanchar Nigam Limited Vs. Bhurumal and another, (2014) 7 SCC 177**, enhanced the compensation as regards appellant-Ram Kumar from Rs.50,000/- to Rs.2,00,000/-, and in the other two appeals from Rs 75,000/- to Rs.2,50,000/-.

We have heard learned counsel for the appellants and perused the records.

Ex facie, the services of the appellants-workmen were terminated nearly 16 years ago in the year 2002. There is no dispute either that aggrieved by their termination, they served the respondents-management with a demand notice(s) in May/June, 2007, i.e. nearly after five years of their termination. Therefore, in the given circumstances, the Labour Court did not deem it fit to order their reinstatement and instead awarded compensation. The view that has since been affirmed even by the learned Single Judge. But as indicated above, the appellants-workmen were awarded enhancement in the compensation granted by the Labour Court. On being pointedly asked, learned counsel for the appellants could not refer to anything on record to show if the conclusion arrived at by the learned Single Judge was either contrary to the record or suffered from any material illegality.

LPA No. 1071 of 2018 (O&M)

In conspectus of the above, we are dissuaded to interfere with the discretion exercised by the learned Single Judge. Thus, the appeals being devoid of merit are accordingly dismissed.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

August 27, 2018
AK Sharma

Whether speaking / reasoned: YES
Whether Reportable: NO