

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

LPA-1572-2018 (O&M)

Date of decision:- 03.12.2018

Pardeep Kumar

...Appellant

Versus

Presiding Officer, Labour Court, Ambala and others

...Respondents

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

Present:- Mr. Palvinder Singh, Advocate,
for the appellant.

* * * *

KRISHNA MURARI, C.J. (ORAL)

CM-4195-LPA-2018

For the reasons mentioned in the application, the delay of 574 days in re-filing the appeal is condoned.

The application stands disposed of.

LPA-1572-2018

This intra court appeal under clause X of the Letters Patent is filed by the appellant-workman challenging the judgement and order dated 20.12.2016 passed by learned Single Judge dismissing the claim for re-instatement and back-wages, but enhancing compensation awarded by the Labour Court from ₹ 20,000/- to ₹ 3 lacs.

2. Learned counsel for the appellant-workman contends that the Labour Court found that the termination of service of the appellant was in violation of Section 25 F of the Industrial Disputes Act, 1947 without following the procedure thus is a clear case where he is entitled to re-instatement

with full back-wages and learned Single Judge has failed to take into account this fact.

3. We have considered the argument advanced by learned counsel for the appellant and perused the record.

4. Admittedly, the service of the appellant-workman was terminated without following the procedure prescribed by Section 25 F, but equally relevant is the fact that the appointment was only on adhoc basis and was not made after public advertisement inviting application(s) or through Employment Exchange and, thus, it was in a manner of back door entry given by the management and in these circumstances the Labour Court awarded the compensation to the tune of ₹ 20,000/- which has been enhanced by learned Single Judge to ₹ 3 lacs. The view taken by the learned Single Judge is in accordance with the latest pronouncement of the Hon'ble Apex Court in the case of *Man Singh Vs Bharat Sanchar Nigam Ltd.*, 2012(1) SCT 641 and, therefore, we find no good ground to interfere with the impugned judgement.

5. The appeal accordingly fails and stands dismissed in limine.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

03.12.2018

Amodh

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No