

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

LPA No.515 of 2018 (O&M)
in CWP No. 2699 of 2013
Date of decision: 05.04.2018

The Block Education Officer and another Appellants

Versus

Kesho Ram and another Respondents

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

Present: Mr. Samarth Sagar, Addl. A.G., Haryana.

B.S. Walia, J.

[1] Intra-court appeal has been filed against order dated 12.09.2017 allowing the writ petition filed by respondent No.1 and setting aside award (Annexure P-7) dated 13.06.2012 passed by the Labour Court, Panipat (hereinafter referred to as 'the Labour Court') and directing payment of ₹ 5 lacs as compensation to respondent No.1 on account of his having served the Department for a period of 10 years.

[2] Brief facts of the case leading to the filing of the intra-court appeal are that respondent No.1 was engaged as part-time Sweeper-cum-Chowkidar in the year 1993 by the Headmistress, Government Middle School, Rai Farm where he worked as such upto 30.06.2007 i.e. the date on which the Panchayat directed the Headmistress, Government Middle School

to appoint one Mohan Kumar in place of respondent No.1 whereupon services of respondent No.1 were dispensed with. Respondent No.1 raised an industrial dispute whereupon the Labour Court passed award dated 13.06.2012 (Annexure P-7) against respondent No.1 on the ground that he had not completed 240 days during the relevant period, besides, no documents had been produced.

[3] The Writ Court by taking into account Mark A/1 to Mark A/7 particularly Annexure P-3 (Mark A) came to the finding that respondent No.1 had been appointed by Education Department (Headmistress, Government Middle School, Rai Farm) and that he had worked from 1997 to July 2007 whereafter he was replaced by one Mohan Kumar under the directions of the Panchayat. In the circumstances, the Writ Court concluded that the Labour Court's award was contrary to the record and further that there was nothing on record to show that respondent No.1 had been appointed through the Panchayat. Accordingly, the Writ Court allowed the writ petition and held respondent No.1 entitled to compensation of ₹ 5 lacs for having served the Department from 1997 to 2007.

[4] Having heard learned counsel for the appellants, who reiterated the submissions made before the Writ Court, we are of the view that the order passed by the Writ Court does not warrant any interference in view of the Writ Court having come to a categorical finding that respondent No.1 had been appointed by the Headmistress, Government Middle School, Rai Farm and that he had rendered service in the Department from 1997 to July 2007 and was replaced by one Mohan Kumar under the directions of the Panchayat without complying with the mandatory provisions of the Industrial Disputes Act, 1947.

[5] Accordingly, finding no merit in the present appeal, the same is dismissed in limine with costs of ₹ 25,000/- to be deposited with Registry. Consequently, application seeking condonation of delay in refiling the appeal is also dismissed.

(Rajesh Bindal)
Judge

(B.S. Walia)
Judge

05.04.2018
amit

1. Whether speaking/reasoned : Yes/No.
2. Whether reportable : Yes/No.