

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 103

LPA No. 549 of 2018 (O&M)
in CWP No. 8642 of 1999
Date of decision : 31.05.2018

Tej Bhan

..... Appellant

VERSUS

M/s Meham Cooperative
Sugar Mill Ltd., Rohtak and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL
 HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Kuldeep Chaudhary, Advocate, for
 Mr. Nishant Arya, Advocate, for the appellant.

. . .

RAJESH BINDAL, J:

Order dated 11.12.2017, passed by the learned Single Judge, whereby the award of the Labour Court was modified to the extent that instead of reinstatement the appellant was awarded compensation of ₹2.5 lacs, has been impugned by filing the present intra-court appeal. Alongwith the appeal, an application seeking condonation of delay of 6 days in filing the appeal has also been filed.

The appellant worked as a daily-wager with the management from 14.04.1990 till 28.03.1994. On termination of his services, he filed a reference before the Labour Court which found that there was violation of provisions of Section 25F of the Industrial Disputes Act, 1947, hence, directed reinstatement with continuity of service and 25% back-wages. The award of the Labour Court was modified by the learned Single Judge keeping in view the fact that the appellant was out of service for more than two decades. Compensation of ₹2.5 lacs was awarded while relying on a judgment of Hon'ble the Supreme Court in Bharat Sanchar Nigam Ltd. vs.

Bhurumal (2014) 7 SCC 177.

There is no error in the order passed by the learned Single Judge.

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

Another fact to be noticed is that even the appeal filed by the management being LPA No. 203 of 2018, arising out of the same order which is impugned herein, has also been dismissed on 27.03.2018.

[RAJESH BINDAL]
JUDGE

31.05.2018
shamsher

[DEEPAK SIBAL]
JUDGE

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