

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

LPA No. 717 of 2018 (O&M)

Date of Decision: 21.08.2018

Karam Singh

.....Appellant

versus

State of Punjab and others

.....Respondents

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

Present : Mr. Ravindra Jain, Advocate, for the appellant.

KRISHNA MURARI, C.J.(oral)

This intra-court appeal filed by the appellant-petitioner is directed against the judgment of the learned Single Judge dated 20.03.2018 dismissing the writ petition filed by the petitioner seeking enhancement of the compensation awarded by the Labour Court.

2. Undisputed facts are that the petitioner-appellant worked with the respondent-employer w.e.f. 14.01.1998 to 15.01.2000 just for a period of two years on daily wage basis. Upon dismissal of his services, he raised an industrial dispute which was referred to Labour Court vide Reference No. 520 of 2002. Same was withdrawn by the petitioner-appellant with right to file fresh. Thereafter he raised a demand notice on 01.04.2006 after about six years. Labour Court vide award dated 16.01.2014 finding that the services were wrongly terminated but since he has only worked on daily wages and the reference remained pending for 8 years awarded him compensation at the rate of ₹ 5000/- for each year of service i.e. total sum of Rs.10,000/- and another sum of ₹ 625/- for the period from 01.12.1999 to 15.01.2000. Aggrieved by the same, the petitioner approached this Court by filing writ petition.

2. It is to be taken note of that no relief in respect of reinstatement was claimed in the writ petition and the only relief claimed was enhancement of compensation from ₹ 10000/- to ₹ 2,00,000/- per year. The fact that no reinstatement was claimed and only enhancement in compensation was prayed for is in itself sufficient to draw a presumption that the petitioner-appellant was gainfully employed during this period and this was adopted as means only to obtain a huge amount towards compensation. Learned Single Judge finding that the petitioner-appellant has only worked for a period of two years and there was inordinate delay and latches on his part in making the notice of demand after withdrawing the earlier proceedings held that he was not entitled to enhancement in compensation and accordingly dismissed the writ petition.

3. Having gone through the judgment of the learned Single Judge, the Labour Court award, the pleadings of the parties and the facts and circumstances of the case, we are also not inclined to take a view different from the one taken by the learned Single Judge that the provisions cannot enure to the benefit of the workman just to gain undue amount as compensation. Having worked only for a period of two years and that too on daily wages and looking his conduct, the learned Single Judge has committed no illegality in dismissing the writ petition. The impugned order thus does not require any interference.

4. The appeal is devoid of merits and accordingly stands dismissed.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

21.08.2018
ravinder

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