

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

Letters Patent Appeal No. 948 of 2018(O&M)

Date of Decision:30.07.2018

Brij Pal

.....Appellant

versus

Presiding Officer, Industrial Tribunal cum Labour Court-1, Gurgaon and
another

-

.....Respondents

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

Present : Mr. B.S.Tewatia, Advocate, for the appellant.

KRISHNA MURARI, C.J.(oral)

Appellant-petitioner has filed the instant intra-court appeal invoking clause X of the Letters Patent challenging the judgment and order dated 15.01.2008 passed by the learned Single Judge disposing of the writ petition challenging the Labour Court award by awarding compensation.

2. Admittedly, the petitioner-appellant was appointed as Mali with respondent No.2 on daily wage basis. He worked in that capacity upto 16.05.1998 at different places and was being paid ₹ 1642/- per month. His services were dispensed with on 17.05.1998. An industrial dispute was raised and the following issues were referred for adjudication by the Labour Court:-

- 1) Whether termination of services of the appellant is not justified and if to what relief he is entitled to?
- 2) Whether the Forest Department does not cover within the definition of an industry?
- 2-A) Whether the reference is not maintainable?

3. On analysis of the pleadings and evidence adduced by the parties, Labour Court found that the appellant-workman was appointed on daily wage basis and there is no letter of appointment nor order of

termination in existence and further Aravali Project for which he was employed stood closed on 31.10.1999. Labour Court further held that since his appointment was not made on regular vacancy after following the procedure, as such his termination did not amount to retrenchment and he was not entitled for reinstatement or any back wages.

4. The award was put to challenge before this Court by filing a writ petition. Learned Single Judge keeping in view the fact that the services of the petitioner was terminated as long as back in May-1998 held that it would not be appropriate to direct reinstatement and to pay consequential benefits and as such without entering into the question as to whether the termination was legal or illegal, disposed of the writ petition in the light of the judgment of the Hon'ble Apex Court in **Bharat Sanchar Nigam Limited v. Bhurumal and another** 2014(7) SCC 177 by awarding compensation to the tune of ₹ 1,50,000/- with a further direction to make payment of the compensation within a period of three months failing which an interest at the rate of 6% per annum shall be liable to be paid.

5. Having gone through the award of the Labour Court and the judgment of the learned Single Judge we are also of the opinion that it would not be in fitness of things to direct reinstatement after 20 years and hence the learned Single Judge committed no illegality in passing an order doing substantial justice between the parties. Appellant-petitioner stands compensated with award of ₹1,50,000/- as compensation. Since substantial justice has been done between the parties by the impugned order passed by the learned Single Judge, we are of the considered opinion that the issue does not require any interference by us in an appeal and the same stands accordingly dismissed in limine.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

30.07.2018

ravinder

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