

CWP No.5206 of 2013 -1-

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

CWP No.5206 of 2013 (O&M)

Date of decision : 17.1.2019

Vikram Singh

...Petitioner

Vs.

Presiding Officer and another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA.

Present: Mr. Sanjiv Gupta, Advocate for the petitioner.

Mr. Harish Rathee, Sr. DAG, Haryana.

RAJIV NARAIN RAINA, J. (ORAL)

1. The period of service rendered by the petitioner as part-time Sweeper was 1½ years. The Labour Court relied on a large number of judgments cited and noticed in the award on the proposition that reinstatement is not automatic for violation of Section 25-F of the Industrial Disputes Act, 1947 (for short 'the Act'). In the matter of grant of relief, many factors are to be taken into consideration including length of service, nature of job, whether full time or part time, and other guidelines deemed relevant. The Labour Court has declined reinstatement after having reached the conclusion that the termination was vitiated due to non compliance of Section 25-F of the Act. The Labour Court exercised its discretion and awarded compensation of Rs.20,000/- in place of reinstatement assuming that to be just and reasonable sum. I am not inclined to touch that part of the award which declines reinstatement but on a consideration of the amount of compensation awarded, I feel that it is on the lower side and keeping in view the judicious dispensations of the Supreme Court in Assistant

Engineer, Rajasthan Development Corporation and another Vs. Gitam Singh, (2013) 5 SCC 136; BSNL Vs. Man Singh, (2012) 1 SCC 558, BSNL Vs. Bhuremal, (2014) 7 SCC 177 and the rough and ready quantification rule laid down by the Division Bench of this Court in Municipal Council, Dina Nagar Vs. Presiding Officer, Labour Court, Gurdaspur and another 2015 (1) RSJ 765, compensation in this case deserves to be enhanced to Rs.1.25 lakhs as just, adequate and reasonable compensation for 1½ years of service coupled with an illegal termination. The workman could reasonably have expected a compensation package of anything between Rs.2 to Rs.3 lakhs keeping in view the judgments of the Supreme Court and of this Court but having regard to the fact that the employment was part-time, a cut would be justified and therefore, compensation of Rs.1.25 lakhs is deemed fit and appropriate.

2. The award is accordingly modified by partly allowing the petition.

3. The department will pay the aforesaid amount to the petitioner within two months from the date of receipt of a certified copy of this order failing which the amount in default will carry 8% interest till realization, being the rate of interest applied by the Labour Court in the impugned award.

17.1.2019
Meenu/Vimal

(RAJIV NARAIN RAINA)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No