

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

LPA No.202 of 2018(O&M)

Date of decision: 27.05.2019

Mohinder Singh

... Appellant

Versus

Director, Food and Supply Punjab, Chandigarh and others

... Respondents

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

Present: Mr. Ravi K. Mattoo, Advocate, for the appellant.
Ms. Monica Chhibbar Sharma, Sr. DAG, Punjab.

KRISHNA MURARI, C.J. (Oral)

Delay of 135 days in filing and 90 days in re-filing the appeal is condoned for the reasons mentioned in Civil Misc. Nos.498 & 499-LPA-2018 and the same stand disposed of.

This intra-court appeal under Clause X of the Letter Patent is directed against the judgment and order dated 23.03.2017 dismissing the writ petition filed by the appellant herein challenging the award made by the Labour Court. The case set up by the appellant-workman, *inter alia*, is that he was appointed as Chowkidar with the respondent-department on 01.05.1985 and worked as such till 22.02.1988 when his services were wrongfully terminated without any disciplinary proceedings or without making any payment of compensation. Industrial dispute was raised and the matter was referred for adjudication to Labour Court, Patiala. The defence set up by the Management was that the appellant-workman was working on daily wages and was found to be surplus and as such his services were dispensed with. Since his services were dispensed with on the ground of being surplus, it was not necessary to serve him a notice or to conduct an

inquiry or to make any payment of compensation. The Labour Court did not allow reinstatement in service, but in the alternative awarded Rs. 15000/- compensation in lieu of reinstatement to be paid within one month from the date of publication of the award in the official gazette, failing which the Management shall be under liability to pay interest @ 12% per annum from the date of the award till its realization.

Learned Single Judge has affirmed the award passed by the Labour Court moulding the relief and awarding compensation in place of reinstatement. Since the workman had worked only for a period of two years nine months, in our considered opinion reinstatement at such a belated stage when 31 years have gone by is not permissible in law and he has rightly been compensated in lieu thereof. Accordingly, we do not find any good reason to interfere either with the impugned award or the judgment passed by the learned Single Judge.

Learned counsel for the appellant pointed out that even the compensation awarded has not been paid to the workman. That being so, the respondent-authorities are directed to make the payment of compensation along with up to date interest to the appellant-workman within a period of six weeks from today failing which the interest shall be liable to be paid @ 18% per annum with effect from the date of award till actual payment.

With the aforesaid observations, the appeal stands dismissed.

(Krishna Murari)
Chief Justice

(Arun Palli)
Judge

27.05.2019
Rajan

Whether speaking / reasoned:
Whether Reportable:

YES
NO