

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

206

CWP-20520-2014 (O&M)
Date of decision: 17.02.2020

Darshan Singh

.....Petitioner

versus

Presiding Officer, Industrial Tribunal, Patiala and others
....Respondents

CORAM: Hon'ble Mr. Justice Girish Agnihotri

Present: Mr. Gurcharan Singh, Advocate
for the petitioner.

Mr. Ashe Kumar Goyal, Advocate
for respondents No.2 to 4.

GIRISH AGNIHOTRI, J. (Oral)

The present writ petition has been filed by the petitioner-Darshan Singh *inter alia* praying for quashing of the award dated 10.12.2013, passed by the Industrial Tribunal, Patiala. The Industrial Tribunal vide its award, has recorded the finding and relief as under:-

xxxx xxxx xxxx xxxx

“21. In the light of the above discussion, it is held that workman Darshan Singh is not entitled to relief of reinstatement with back wages. Taking into consideration the fact that services of the workman were terminated in violation of Section 25-F of the I.D.A. 1947 and he raised industrial dispute immediately thereafter, initially by way of filing CWP No.16841 of 2002 in Hon'ble Punjab & Haryana High Court, which was dismissed vide Ex.W2 dt.29-07-2004 and, thereafter, by way of filing Demand Notice Ex.W4 dt.09-09-2004 and further taking into consideration the fact that he worked with the respondent on 01-06-2001 to 10-10-2002 and that the reference remained pending in the Court for about 8 years, interests of justice shall be served if compensation worth Rs.25,000/- (Rupees twenty five thousand only) is directed to be paid to the workman by the Respondent. As the

workman raised industrial dispute by way of filing demand notice and after failure of conciliation proceedings, dispute was referred to this Court by the Appropriate Government for adjudication, the reference is maintainable. Accordingly, issue No.1 & 3 are answered in favour of the workman and against the respondents and issue No.2 is answered against the respondent and in favour of the workman.

RELIEF

22. In the light of my finding regarding above noted issues, this reference is hereby answered in favour of workman and against the respondent and respondent is directed to compensate the workman with Rs.25,000/- (Rupees twenty five thousand only) within 45 days of the publication of the award, failing which the workman will be entitled to the awarded amount along with interest @6% per annum, from the date of passing of the award till realization.

File be consigned to the record room.

ANNOUNCED

10-12-2013

RAMESH KUMARI

Presiding Officer

Industrial Tribunal, Patiala”

This Court while issuing notice of motion on 14.10.2014, passed the following order:-

“Challenge in the instant petition is to the award dated 10.12.2013, passed by the Presiding Officer, Industrial Tribunal, Patiala, whereby a reference has been answered in favour of the workman to the extent of awarding compensation of Rs.25,000/-.

Learned counsel for the petitioner makes a statement at the bar that he is confining the scope of the instant writ petition only as regards enhancement of compensation and would not claim the relief of reinstatement.

Notice of motion, returnable for 9.1.2015.”

Thereafter, on 08.01.2020, this Court directed respondents.No.2 to 4 to seek instructions so as to make definite offer before this Court.

On the resumed hearing of the case, both counsel have made submissions.

Counsel for the petitioner submits that in view of the judgment given by the Hon'ble Supreme Court of India, the Division Bench judgment of this Court and also other judgments of this Court, lead to the conclusion that the

compensation awarded in lieu of reinstatement i.e. of Rs.25,000/- is too meagre.

Learned counsel for the respondents however submits that the workmen had worked for a very little time and that they had worked under a specific scheme. He has however not been able to controvert the fact that the award dated 10.12.2013 (wherein the fact that services of the workmen which were terminated by the Management were held to be in violation of Section 25 (F) of the Industrial Disputes Act), has not been challenged by the Management. The said findings have become final.

This Court finds merit in the submissions made by learned counsel for the petitioner. Learned counsel relies on Division Bench judgment of this court passed in *LPA-754-2010* titled as *M.C. Dinarpur, Tehsil and District, Gurdaspur vs. Presiding Officer, Labour Court, Gurdaspur and another*.

In view of the above, this Court deems it appropriate to modify the award dated 10.12.2013 and the respondent is directed to compensate the workmen with Rs.1,00,000/- within 45 days from the date of receipt of certified copy of this order. Failing which, the workmen will be entitled to the awarded amount along with interest @ 6% per annum from the date of passing of the award till the final payments.

With the above observations, the present writ petition is allowed and the award dated 10.12.2013, is modified to the extent as stated above.

(GIRISH AGNIHOTRI)
JUDGE

17.02.2020

anju rani

Whether speaking/ reasoned:

Yes/No

Whether Reportable:

Yes/No