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

CWP-16919-2015

Date of Decision: 06.05.2022

Rama Shankar

..... Petitioner

Versus

The Presiding Officer, Industrial Tribunal, Patiala and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Ram Naresh Ojha, Advocate,
for the petitioner.

None for respondent No.2.

RAJBIR SEHRAWAT, J. (ORAL)

This is a petition filed under Articles 226/227 of the Constitution of India seeking issuance of a writ of certiorari for modifying the award dated 04.02.2015 (Annexure P-1) passed by respondent No.1, whereby the petitioner was allowed only compensation of Rs.35,000/- and remaining relief, such as back wages, gratuity, leave encashment, litigation expenses etc. have not been granted to the petitioner.

There is no representation on behalf of contesting respondent No.2 despite service and despite granting as many as four opportunities. Moreover, the defence of respondent No.2 was struck off by this Court, vide order dated 28.11.2018.

Even, as per the findings recorded by the Labour Court, the service of the petitioner was wrongly terminated by respondent No.2 without payment of retrenchment compensation or without following the due

procedure as prescribed under the Industrial Disputes Act. Moreover, in the demand notice, the petitioner had asserted that he worked with respondent No.2 from 10.04.2005 to 15.06.2009. Hence, he had completed more than four years of service. This fact is asserted in the present petition as well, which has gone totally un rebutted. Hence, it can be safely presumed that respondent No.2 is not disputing the factum of the petitioner working from 10.04.2005 to 15.06.2009. Accordingly, the petitioner is entitled to an enhanced amount of compensation in terms of the judgment of the Hon'ble Supreme Court rendered in **Civil Appeal No.10957 of 2013** titled as '**B.S.N.L. Vs. Bhurumal**' decided on 11.12.2013 as relied upon by the counsel for the petitioner, wherein grant of compensation of Rs.2 lakhs for 240 days of service was approved. Applying the essence of the said judgment qua grant of compensation, it would be appropriate that the petitioner is granted a compensation of Rs.6 lakhs.

Accordingly, the impugned award dated 04.02.2015 (Annexure P-1) passed by the Labour Court, Patiala, is modified to the extent that the petitioner is entitled to a compensation of Rs.6 lakhs as full and final satisfaction of his claim. The petitioner shall be entitled to the interest as awarded by the Tribunal.

In view of the above terms, this petition is disposed of as such.

(RAJBIR SEHRAWAT)
JUDGE

06.05.2022
adhikari

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No