

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

204

CWP No.8781 of 2013 (O&M)
DATE OF DECISION: 25th MARCH, 2022

Udit Narain (since deceased) through his legal representatives

.... Petitioners

Versus

**The Managing Director, Child and Women Development
Corporation Limited, Chandigarh and another**

.... Respondents

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. H.K. Aurora, Advocate,
for the petitioners.

Mr. Suman Jain, Advocate and
Mr. Naman Jain, Advocate,
for respondent No.1.

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RAJBIR SEHRAWAT, J. (Oral)

This is a petition filed under Articles 226/227 of the Constitution of India seeking issuance of a writ of mandamus directing respondent No.1 to reinstate the petitioner with continuity of service and full back wages along with interest @ 18% per annum on the principle of “*Last Come First Go*” by modifying the award dated 28.11.2011 (Annexure P-9) passed by Labour Court, Chandigarh.

The counsel for the petitioners has submitted that although the writ petition was initially filed for reinstatement into service by quashing the award dated 28.11.2021 passed by the Labour Court, whereby only the compensation was granted to the deceased Udit Narain despite the termination of his service having been found illegal, however, now the

petitioner stands expired. Therefore, the petitioners (LR of original petitioner) would restrict the present petition only to the quantum of compensation awarded by the Labour Court. The counsel has submitted that, undisputedly, the petitioner had served the respondents for about six and half years. Therefore, the amount of compensation of Rs.40,000/- only; awarded by the Labour Court; is very less. The counsel has further submitted that although a similarly situated person was ordered to be reinstated by the Labour Court, however, even if the petitioner was not to be reinstated now for the intervening reason, at least, the compensation has to be awarded at the reasonable level. The counsel has relied upon the judgment rendered by Hon'ble the Supreme Court of India in ***BSNL Versus Bhurmal, Civil Appeal No.10957 of 2013 (arising out of SLP (Civil) No.14572 of 2012)***, decided on 11.12.2013, in this regard.

On the other hand, the counsel for respondent No.1 has submitted that the Labour Court had rightly passed the order to grant the relief of only the compensation and not the reinstatement. The counsel has further submitted that the amount of compensation is very appropriate. Hence, no interference is required in the matter.

Having heard the counsel for the parties and having perused the case file, this Court finds that the Labour Court has rightly passed the award granting the relief of compensation only. However, the amount of compensation awarded by the Labour Court is found to be not appropriate. Keeping in view the standards adopted by Hon'ble the Supreme Court of India in ***Bhurmal case (supra)***, the petitioners (legal representatives) of deceased are entitled to an amount of, at least, Rs.2.50 Lakh.

Ordered accordingly.

However, it is clarified that the amount already paid, if any, shall be adjusted against this amount of Rs.2.50 Lakh. The respondent No.1 is directed to pay the aforesaid amount, within a period of two months from today.

Disposed of in the above terms.

25th MARCH, 2022
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(RAJBIR SEHRAWAT)
JUDGE

Whether speaking/reasoned:	Yes	No
Whether Reportable:	Yes	No