

CWP-18582-2021

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

CWP-18582-2021

Date of decision : 27.02.2023

Hukam Singh

...Petitioner

Vs.

**The Presiding Officer, Industrial
Tribunal-cum-Labour Court-III,
Faridabad and others**

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Diwan S.Adlakha, Advocate for the petitioner.

MANOJ BAJAJ, J.

Petitioner has preferred this writ petition under Article 226 Constitution of India for issuance of a writ in the nature of certiorari for quashing the award dated 06.02.2020 (Annexure P-4), whereby while answering the reference under Section 10 (1) (c) Industrial Disputes Act, 1947 Tribunal has refused to reinstate the workman and awarded a compensation of Rs.40,000/-. Further, prayer is for issuance of a writ of mandamus directing the respondent No.2 to reinstate the petitioner in service with continuity and full back wages.

Learned counsel has argued that the petitioner was appointed vide appointment letter dated 04.06.2014 (Annexure P-1) as Driver, who served the respondent No.2-department for a period of a year and four months before his services were illegally terminated in violation of the provisions of Industrial Disputes Act, 1947. Learned counsel has drawn the attention of the Court to the impugned award to contend that the findings on material issue have been delivered in favour of the workman holding his termination as illegal, but the

Tribunal fell in serious error of law in refusing to reinstate the workman and awarded a meagre compensation of Rs.40,000/-. He submits that the amount of compensation is also on lower side, which deserves to be enhanced in view of the decision of this Court passed in “*Municipal Council, Dina Nagar Vs. Presiding Officer, Labour Court, Gurdaspur and another*”, 2014 (70) *R.C.R.(Civil) 119*. He prays that the impugned award be set aside and appropriate relief be granted to the petitioner.

After hearing learned counsel and considering his submissions, this Court finds that the appointment of the petitioner was made on temporary basis for a period of six months and it also contains the condition that in case the permanent employee is appointed on the post of driver, the services of the petitioner would be terminated immediately.

During the course of hearing, it is not disputed by learned counsel that on the post of driver, which was held by the petitioner, regular incumbent, namely, Dharamvir joined on 09.10.2015. In this regard, petitioner suffered admission during cross-examination as well and the copy of the same has also been produced by the learned counsel. Thus, in view of the above facts and circumstances, this Court has no hesitation in holding that the workman was aware from the very beginning that his appointment is for a limited period, which would come to an end as and when the regular employee joins. The regular employee joined the post on 09.10.2015, so thereafter, the petitioner was relieved on 12.10.2015. A perusal of the impugned award shows that findings returned by the Tribunal are based upon correct appreciation of the material and evidence on record. The decision relied upon by the petitioner is not applicable in the facts and circumstances of the case as the petitioner has

been adequately compensated.

Consequently, in view of the above discussion, this Court does not find it to be a fit case for exercise of extra ordinary writ jurisdiction.

Dismissed.

(MANOJ BAJAJ)
JUDGE

27.02.2023
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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No