

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

LPA-2217-2017 (O&M)
Decided on: 17.01.2023
.....Appellant(s)

Satya Bharti Primary School & others

Versus

Mano Devi & anotherRespondent(s)

**CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA
HON'BLE MS.JUSTICE HARPREET KAUR JEEWAN**

Present:- Mr.Samir Rathaur, Advocate
and Mr.Paramvir Singh Parmar, Advocate, for the appellants.

Mr.V.B.Aggarwal, Advocate
And Mr.Vivek Aggarwal, Advocate, for respondent No.1.

G.S. Sandhawalia, J. :-

CM-4878-LPA-2017

Application for condonation of delay of 77 days in filing the present appeal, is allowed, in view of the averments made in the application, duly supported by affidavit of the official. Delay of 77 days in filing the appeal is hereby condoned.

CM stands disposed of.

LPA-2217-2017 (O&M)

Challenge in the present Letters Patent Appeal, filed by the Management is to the judgment passed by the learned Single Judge dated 17.07.2017 in CWP-18110-2013. The learned Single Judge had set aside the award dated 26.07.2012 (Annexure P-3) whereby the Labour Court had dismissed the reference of the workwoman and proceeded to grant Rs.2 lakhs as compensation which was to be paid within a period of 3 months and it was to carry simple interest @ 6% per annum thereafter if not paid.

The reasoning given by the learned Single Judge was that the workwoman had worked from 2009-2011 and therefore, on account of the fact that she had not worked for the said period the question of reinstatement would not arise at that point of time while placing reliance upon **Bharat Sanchar Nigam Ltd. Vs. Bhurumal, 2014 (7) SCC 177**.

While issuing notice of motion on 24.01.2018, directions were issued that a sum of Rs.1 lakh be deposited with the Labour Court which was to be disbursed to the respondent-workwoman and the remaining amount was stayed.

Counsel for the appellants has tried to convince us that the judgment of the learned Single Judge is not sustainable as there was no proof to show that the respondent had produced any evidence and thus, it is submitted that there was no cause to grant compensation.

The said argument is without any basis. Apparently, demand notice under Section 2A of the Industrial Disputes Act, 1947 (for short, the 'Act') was issued that she had worked from 01.04.2009 at the school without any break and retrenchment had taken place on 31.03.2011. In the reply to the same, the stand taken was that she had refused to report for work and she never came for work after 31.03.2011 and she had left the service on account of her own accord as a mark of protest since one of her relatives was not taken on duty.

In the claim petition being filed before the Labour Court also, the Management chose not to contest the proceedings and the Labour Court, without seeing the period in question and the reply to the notice under Section 2A of the Act, rejected the same on the ground that nowhere the workwomen had stated that she had completed 240 days preceding the

date of her termination and wrongly dismissed the reference without taking into account the period of work pleaded and not denied by the management. It was also noticed that WW-2, Ramesh Kumar was also examined from the office of the Labour Court, Kurukshetra who submitted the reply to the demand notice which had also been exhibited as WW-2/1, already referred to above.

In such circumstances, learned Single Judge was justified in coming to the conclusion that the award was not sustainable and rightly granted compensation. The only question which now arises is whether the amount of compensation of Rs.2 lakhs is justified, in the facts and circumstances as the service period is only for a period of 2 years.

The Apex Court in **Haryana Urban Development Authority Vs. Om Pal, (2007) 5 SCC 742** granted Rs.25,000/- for the service of one year whereas in **Uttaranchal Forest Development Corporation Vs. M.C.Joshi, (2007) 9 SCC 353**, for a period of 2 years, a sum of Rs.75,000/- was granted. Similarly, in **Asst.Engineer, Rajasthan Development Corporation & another Vs. Gitam Singh, 2013 (1) SCR 679**, the said view was followed while noticing that the service was of 8 months and thus, compensation of Rs.50,000/- was granted. Similarly, in **Management, Hindustan Machine Tools Ltd. Vs. Ghanshyam Sharma, 2018 (18) SCC 80**, for a period of one year, compensation of Rs.50,000/- had been granted. In **K.V.Anil Mithra & another Vs. Sree Sankaracharya University of Sanskrit & another, 2021 (4) SCT 415**, for a period of little over 4 years, amount awarded was Rs.2,50,000/- in lieu of the reinstatement and backwages of 50% which was granted and accordingly, modified.

Thus, keeping in view the above settled position of law, we are of the considered opinion that a sum of Rs.1 lakh has already been paid which was the sufficient amount of compensation liable to be paid to the worklady. Accordingly, the present appeal is partly allowed to that extent by disposing it off and granting the compensation amount to the tune of Rs.1 lakh for the service period of 2 years.

The present appeal stands partly allowed, in the above-stated terms.

(G.S. SANDHAWALIA)
JUDGE

17.01.2023
sailesh

(HARPREET KAUR JEEWAN)
JUDGE

Whether speaking/reasoned :	Yes
Whether Reportable :	Yes