

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

**LPA-1068-2018
Decided on : 24.01.2023**

Jagjiwan Singh

.....Appellant

Versus

Presiding Officer, Industrial Tribunal, Patiala, District Court Patiala & others

.....Respondents

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

Present: Mr.Vishal Sauda, Advocate, for
Mr.Ravi Gakhar, Advocate for the appellant.

Ms.Deepali Puri, Addl.A.G., Punjab.

G.S. Sandhawalia, J.

The present appeal is directed against the order dated 04.05.2018 passed by the learned Single Judge in CWP-28441-2017 titled *Jagjiwan Singh Vs. Presiding Officer & others*, whereby challenge to the award dated 17.10.2017 (Annexure P-1) wherein only compensation of Rs.40,000/- had been granted, was repelled. The learned Single Judge found that the appointment was on contractual basis for a period of 6 months to the post of Chungi Clerk. Keeping in view the fact that the appointment was not by following proper procedure and that he had not been appointed on regular post after inviting applications from eligible candidates, the claim for reinstatement with full back wages was denied to the appellant.

A perusal of the paperbook would go on to show that the appointment was from 09.06.1998 to 31.03.1999 and he was drawing a salary of Rs.1690/- per month. Resultantly, the claim petition had been filed wherein the defence was that he was engaged on temporary basis vide

resolution dated 30.09.1998 which had been suspended by the Deputy Director, Local Government which order was not interfered with by the higher authorities upto the Director and resultantly, his services were dispensed with. It is, thus, apparent that the appointment was for a brief period of 9 months. In such circumstances, the Labour Court had awarded Rs.40,000/- as compensation by noticing that no notice for termination had been issued and thus he was entitled for the benefit under the provisions of Section 25-F of the Industrial Disputes Act, 1947. Keeping in view the fact that the post was not sanctioned and his engagement was contrary to statutory rules, the compensation had been awarded.

Keeping in view the fact that the service was only for a period of 9 months, we are of the considered opinion that the matter is squarely covered by the judgments of the Apex Court taking the consistent view to grant compensation for short service, as has been noticed in **Haryana Urban Development Authority Vs. Om Pal, (2007) 5 SCC 742** wherein Rs.25,000/- was granted 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, for short period of employment which are not regular in nature, compensation as awarded is the settled principle.

Resultantly, keeping in view the above, we are of the considered opinion that the learned Single Judge has not erred in any manner, keeping in view the fact that the Apex Court has time and again held that interference under Article 226 of the Constitution of India is only to be done if there is a legal lacuna in the award and the Writ Court is not to sit as a Court of Appeal. Accordingly, in view of the above discussion, the present appeal stands dismissed.

(G.S. SANDHAWALIA)
JUDGE

(HARPREET KAUR JEEWAN)
JUDGE

24.01.2023
sailesh

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