

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

Civil Writ Petition No.30296 of 2022
Date of Decision: January 18, 2023

Mandeep Singh alias Mandip Singh

...Petitioner

Versus

State of Punjab & others

...Respondents

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr.Kapil Aggarwal, Advocate,
for the petitioner.

MANOJ BAJAJ, J.

Petitioner has filed this writ petition under Article 226 Constitution of India seeking a writ in the nature of certiorari for quashing the award dated 05.01.2022 (Annexure P-8) passed by the Industrial Tribunal, Patiala, whereby his claim for reinstatement in service has been declined.

Learned counsel has argued that the petitioner had initially joined as Gate Keeper at Government Senior Secondary School, Ghanaur, Tehsil Rajpura, District Pariala on DC rates on 14.10.2009 and continuously worked till 2013, when he was discharged from service on 01.01.2013. He submits that subsequently after a period of one year, the petitioner was again appointed on the said post w.e.f. 01.01.2014 and he continued to work till 01.07.2015. Thereafter, the petitioner was illegally retrenched.

Mr.Aggarwal, learned counsel submits that the petitioner raised the demand

notice on 24.03.2017, whereupon the industrial dispute reached before respondent No.1 Tribunal and it has returned the findings on material issue in his favour, but erroneously refused to order his reinstatement and awarded a meager sum of Rs.20,000/- as compensation along with Rs.5,000/- towards litigation expenses. According to him, the impugned award is not sustainable as the amount of compensation is also disproportionate to the length of service. He prays for issuance of a writ in the nature of certiorari for setting-aside the impugned award and prays for reinstatement along with full back wages.

After hearing the learned counsel and considering the above background, this court finds that the industrial dispute was raised by the petitioner only in respect of his service period w.e.f. 01.01.2014 to 01.07.2015, as concededly when he was discharged from service on 01.01.2013, no issue much less any industrial dispute was raised by the petitioner. Thus, considering this peculiar background and petitioner's service period of one year and six months, this court has no hesitation in holding that the finding relating to his retrenchment returned by the Labour Court in favour of the workman alone would not be sufficient to order his reinstatement. A perusal of the impugned award shows that justifiable reasons have been given by the Labour Court, while refusing him the relief of reinstatement, but compensated the petitioner with compensation of Rs.20,000/- as well as litigation expenses of Rs.5,000/-.

During the course of hearing, it is fairly conceded by Mr.Kapil Aggarwal, learned counsel for the petitioner that the amount of compensation and litigation expenses have been received by the petitioner immediately after the passing of the award on 05.01.2021.

Resultantly, in view of the above, this court is not inclined to exercise extraordinary writ jurisdiction.

Dismissed.

January 18, 2023
ramesh

(MANOJ BAJAJ)
JUDGE

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