



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

CWP-15528-1999

Date of Decision:07.11.2024

RANVIR

..... Petitioner

Versus

**THE PRESIDING OFFICER, INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT-I, FARIDABAD & OTHERS**

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. G.C. Shahpuri, Advocate for the petitioner.

Mr. Raman Sharma, Addl. AG, Haryana.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of impugned Award dated 11.01.1999 (Annexure P-4) whereby Labour Court has answered the reference against him.

2. The petitioner joined respondent as Mali-cum-Chowkidar on 01.06.1984 and was retrenched on 02.09.1987. He served demand notice and matter came to be referred to Labour Court which vide Award dated 20.07.1989 ordered to reinstate him with back wages. He was taken back on 09.11.1989 (Annexure P-2) and paid back wages, however, came to be again terminated on 01.11.1991. The matter again reached to Labour Court which vide impugned award has declined claim of the petitioner.

3. On being confronted with date of termination and efflux of time, Mr. G.C. Shahpuri, Advocate submits that grievance of the petitioner would be redressed if this Court passes an appropriate order of compensation.

4. Mr. Raman Sharma, Addl. AG, Haryana submits that

petitioner was retrenched in 1991, thus, there is no possibility of his reinstatement. He submits that he leaves it to this Court to consider question of compensation keeping in mind findings recorded by Labour Court.

5. The petitioner was terminated on 02.09.1987 and was reinstated on account of orders passed by Labour Court. He was again terminated and Labour Court dismissed his claim because he had not completed 240 days during 12 months preceding the date of termination. The petitioner concededly had worked with respondent from June’ 1984 to September’ 1987 and 09.11.1989 to 01.11.1991. The petitioner every time could not be asked to complete 240 days. As soon as first order was set aside, it was not just and fair on the part of respondent to again terminate him on the ground that he has not completed 240 days or there is seasonal work, however, the petitioner, at this stage, cannot be reinstated.

6. Considering the length of service, efflux of time, last drawn salary (Rs.1000/-), judgment of Supreme Court in ‘*BSNL v. Bhurumal*’, (2014) 7 SCC 177, I deem it appropriate to direct the respondent to pay a sum of Rs.1 lakh to petitioner within 3 months from today. If the respondent fails to pay said amount within 3 months from today, it would be liable to pay interest @ 9% from the expiry of said period.

(JAGMOHAN BANSAL)
JUDGE

07.11.2024
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No