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

285

CWP-10723-2024 (O&M)

Date of Decision : 06.11.2024

UCO BANK AND ANR

.... PETITIONERS

V/S

MAMTA AND ANOTHER

.... RESPONDENTS

CORAM : HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Shekhar Verma, Advocate
for the petitioners.

Mr. J.S. Chandail, Amicus Curiae and
Mr. Aman Kumar, Advocate
for respondent No.1.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioners through instant petition under Articles 226/227 of the Constitution of India are seeking setting aside of order dated 17.07.2023 (Annexure P-5) whereby Industrial Tribunal-cum-Labour Court-I, Chandigarh has ordered them to pay a sum of Rs.2 lakhs as lump sum compensation to the respondent No.1 (for short 'respondent').

2. The petitioner is a public sector bank. The respondent is its ex-employee. The respondent from 2012 to 2017, on daily basis, worked with petitioner as Sweeper or Peon for miscellaneous works. The respondent requested the bank to regularize her. The branch manager recommended higher authorities to regularize her. The respondent was

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not regularized but retrenched on account of one or another reason. She approached labour authorities and the matter came to be referred to Tribunal which by impugned order has awarded lump sum compensation of Rs.2 lakhs.

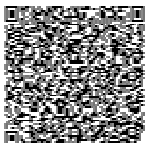
3. Mr. Verma submits that competent authority did not recommend respondent for regularization. The respondent was not ready to perform duties of sweeper and she was a daily wager. She was running her boutique and in these circumstances, bank discontinued her services. The Tribunal has wrongly awarded a sum of Rs.2 lakhs.

4. Per contra, counsel for respondent submits that the respondent worked with the bank for almost 05 years and was entitled to compensation despite being a daily wager.

5. I have heard the arguments of counsel for the parties and perused the record.

6. From the perusal of record, it is evident that respondent worked with petitioner for 05 years i.e. from 2012 to 2017. The petitioner is claiming that respondent was a daily wager and her services were availed as and when required. She was working as sweeper as well as performing other duties. There is nothing on record disclosing that respondent had not worked for 240 days during 12 months preceding the date of retrenchment. It is a settled proposition of law that daily wagers, contractual and part time workers are entitled to retrenchment compensation like regular employees. The Tribunal considering the fact and circumstances has not ordered for reinstatement whereas ordered for lump sum compensation of Rs.2 lakhs.

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- 7. Considering the facts and circumstances, this Court does not find any jurisdictional error or factual infirmity in the impugned order warranting interference.
- 8. Dismissed.
- 9. The petitioner has deposited awarded compensation with this Court. The Registrar General is hereby requested to release aforesaid amount to respondent on furnishing proof of her identity.
- 10. Pending miscellaneous application (s), if any, shall also stand disposed of.

(JAGMOHAN BANSAL)
JUDGE

06.11.2024
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Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No