

247 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-16946-2021
Date of Decision:11.12.2024

SANTOSH PASWAN Petitioner

Versus

M/S KB GAS SERVICE AND ANOTHER Respondents

Sr. No.	Case Number	Titled
2	CWP-4140-2020	ANIL KUMAR V/S M/S K.B. GAS SERVICE AND ANR
3	CWP-16769-2021	RAJAN TIWARI V/S M/S KB GAS SERVICE AND ANOTHER
4	CWP-16789-2021	SANJEEV KUMAR V/S M/S K.B. GAS SERVICE AND ANR
5	CWP-16852-2021	VINOD KUMAR V/S M/S KB GAS SERVICE AND ANR
6	CWP-3825-2020	AJAY KUMAR V/S M/S K.B. GAS SERVICE AND ANR

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Vishal Garg, Advocate with
Mr. Ritik Mohindroo, Advocate
for the petitioner(s) in CWP-16946-2021, CWP-16769-2021
CWP-16789-2021 & CWP-16852-2021.

Mr. Ravi Ghakar, Advocate
for the petitioner in CWP-3825-2020 & CWP-4140-2020.

Mr. Himanshu Raj, Advocate
for the respondent No.1 (Through V.C.).

JAGMOHAN BANSAL, J. (Oral)

1. By this common order, the above-noted petitions are hereby adjudicated as issues involved and prayer sought in all the petitions are common. For the sake of convenience and with the consent of parties, the facts are borrowed from CWP-16946-2021.



2. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of impugned Award dated 02.12.2019 (Annexure P-1) whereby Labour Court has awarded lumpsum compensation to the tune of Rs.22,000/- plus litigation expenses Rs.10,000/-.

3. The respondent is a LPG distributor. The petitioner joined respondent as Delivery Boy on 04.01.2008. He came to be retrenched on 10.06.2016. It was not only petitioner but 5 more workers were also retrenched at the same point of time. They approached Labour Court which vide impugned Award dated 02.12.2019 (Annexure P-1) has awarded compensation to the tune of Rs.22,000/- and litigation expenses Rs.10,000/-.

4. Learned counsels for the petitioners submit that Labour Court has awarded a meager amount. The workman had completed 8 years of service, thus, he was entitled to higher amount of compensation. He was retrenched without complying with mandate of Section 25F of Industrial Disputes Act, 1947 (for short '1947 Act').

5. *Per contra*, learned counsel for the Management submits that it is a case of grave misconduct on the part of workman. Under compelled circumstances, the Management had to terminate him. He was terminated and his case does not fall within the definition of retrenchment, thus, he is not entitled to compensation. There was no industrial dispute and Labour Court has wrongly awarded compensation to finally resolve the litigation.

6. On the asking of Court, learned counsel for the parties submit that they leave it to this Court to decide amount of compensation.

7. There are 6 workmen who are before this Court. They are

claiming reinstatement and in the alternative enhancement of compensation whereas Management is claiming that they are not entitled to any amount of compensation and Labour Court has wrongly awarded compensation.

8. Considering the length of service, allegations against the workman, evidence brought on record by Management, last drawn salary, nature of job and findings recorded by Labour Court, I find it appropriate to enhance the amount of compensation awarded by Labour Court. Every workman would be entitled to compensation of Rs.4,500/- for each year of service rendered. The said amount would be in addition to litigation expenses awarded by Labour Court. Accordingly, the amount of each workman is quantified as below:

Case Number	Amount awarded by Labour Court.	Amount awarded by this Court.
CWP-16852-2021	Rs.30,000/-	Rs.45,000/-
CWP-16769-2021	Rs.13,000/-	Rs.22,500/-
CWP-16789-2021	Rs.27,000/-	Rs.40,500/-
CWP-16946-2021	Rs.22,000/-	Rs.36,000/-
CWP-3825-2020	Rs.28,000/-	Rs.45,000/-
CWP-4140-2020	Rs.20,000/-	Rs.36,000/-

9. The Management shall pay aforesaid amount within 2 months from today, failing which it would be liable to pay interest @ 9% p.a.

10. Disposed of.

(JAGMOHAN BANSAL)
JUDGE

11.12.2024
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Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No