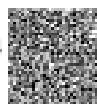


**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

2024:PHHC:108814



**CWP No.7970 of 2014
Date of Decision:23.08.2024**

Narinder Kumar

....Petitioner

VS.

Presiding Officer, Industrial Tribunal and others

....Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. J.S.Maanipur, Advocate
Mr. Jasbir Singh, Advocate
Mr. Joy Preet Meelu, Advocate and
Mr. Kamaldeep Singh Redhu, Advocate
for the petitioner

Mr. Arun Nehra, Advocate
for respondent No. 2

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Article 226 of the Constitution of India is seeking modification of award dated 20.08.2013 whereby Labour Court has awarded compensation of Rs. 1,00,000/- in lieu of reinstatement.

2. The petitioner joined respondent No. 3-M/s Punjab National Fertilizers & Chemicals Limited (for short 'PNFCL') on 18.07.1998. His services came to be terminated on 29.08.2001 because of winding up of PNFCL. There was a joint venture between respondent No. 2 i.e. M/s Punjab Alkalies & Chemicals Limited and PNFCL. An official liquidator was appointed qua winding up of PNFCL. The petitioner approached

Labour Court by way of a reference which was answered in his favour. The

Labour Court vide award dated 20.08.2013 awarded a lump sum compensation of Rs. 1,00,000/-. PNFCL i.e. employer was already wound up, thus, there was no question of reinstatement, however, lump sum compensation was awarded.

3. Mr. J.S.Maanipur, Advocate submits that the compensation was on lower side in view of judgment of Division Bench of this Court in LPA No. 4940 of 2018 titled as ‘Chief General Manager and another vs. Santosh and another’ decided on 10.07.2024 and Rs. 50,000/- for each year of service must have been awarded as compensation.

4. From the perusal of record, it is evident that petitioner was appointed by PNFCL which has already been wound up. The said corporation is no more in business. All the assets of the company have already been taken over by official liquidator. The petitioner had worked for three years and he has been granted a lump sum compensation of Rs. 1,00,000/-. His last drawn pay was Rs. 4859/-. The judgment cited by Mr. Maanipur is applicable to particular facts of that case and cannot be applied to each and every case irrespective of facts. This Court cannot lose sight of the fact that PNFCL i.e. employer of the petitioner has closed down its business.

5. Considering the length of service, last drawn pay and status of employer, this Court does not find any infirmity in the quantum of compensation awarded by Labour Court.

Dismissed.

23.08.2024
paramjit

(JAGMOHAN BANSAL)
JUDGE

Whether speaking/reasoned:	Yes	
Whether reportable:		No