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CWP-17107-2023 (O&M)
Decided on : 21.08.2024

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Avnish Kumar

Versus

State of Punjab and others

... Petitioner(s)

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Dhruv Chowfla, Advocate
for the petitioner(s).

Mr. G.S. Bhullar, AAG, Punjab.

Mr. Rohit Gupta, Advocate
for respondents No.2 and 3.

SANJAY VASHISTH, J. (Oral)

1. Petitioner namely; Avnish Kumar, aged about 50 years, has filed the instant writ petition for partial quashing of the award dated 09.03.2023 (Annexure P-1), passed by learned Industrial Tribunal-cum-Labour Court, Bathinda (in short, ‘learned Tribunal’), whereby reference No.02/2014 under Section 10 (1) (c) of the Industrial Disputes Act, 1947, (for brevity, ‘ID Act’), has been partially answered in favour of the workman (petitioner herein).
2. Learned Tribunal in its award has held that the termination of the workman was in violation of the provisions of section 25-F of the ID Act, however, instead of ordering reinstatement along with other benefits i.e. continuity in service and back wages, learned Tribunal provided an alternative relief of a lump sum amount of compensation of Rs.1,00,000/-,



payable to the workman.

It is, thereafter that the workman has filed the present writ petition by claiming for reinstatement in service and other benefits.

3. When the writ petition came up for hearing before the coordinate Bench of this Court on dated 28.02.2023, petitioner-workman gave a statement that he would be satisfied if the claim raised in the writ petition is considered only for the purpose of enhancing the compensation over and above Rs.1,00,000/-, which had already been awarded by learned Tribunal.

For reference, order dated 28.02.2023 is reproduced here under:-

*“Present:- Mr. Dhruv Chowfla, Advocate
for the petitioner.*

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Learned counsel for the petitioner submits that the compensation of Rs. 1,00,000/-, awarded to the petitioner, is too meagre. He confines his prayer only qua enhancement of compensation.

Notice of motion to respondents, limited on the point of enhancement of compensation only.

Mr. Vipin Pal Yadav, Additional A.G. Punjab, accepts notice on behalf of respondent No. 3. He seeks time to get instructions in the matter.

At his request, adjourned to 18.12.2023.”

4. Today, at the time of hearing, counsel appearing for the petitioner submits that his client (petitioner-workman) would be well satisfied, if the compensation amount is assessed as Rs.2,00,000/- instead of Rs.1,00,000/-, as awarded by learned Tribunal. Thus, he prays for an additional amount of Rs.1,00,000/- in compensation.

5. On the other hand, counsel appearing for respondent Nos.2 and 3, submits that in the relief part of the award, it has been specifically recorded by learned Tribunal that no car is available with the office and letter for purchase of new vehicle has been rejected, vide Ex.M-9, therefore,



in these circumstances, learned Tribunal had awarded the just compensation amount of Rs.1,00,000/- in favour of the workman.

6. This Court has considered the findings recorded by learned Tribunal and also the submissions addressed by counsel for respondent Nos.2 and 3 (i.e. Improvement Trust, Fazilka).

7. This Court is concerned only with the issue pending before it, which requires its adjudication. The initial short issue at the time of filing of the writ petition was “*whether in a situation, where the respondent – Management’s action are found to be against the provisions of law, the workman ought to have been reinstated with all other benefits or if his grouse would be satisfied with the payment of lump sum amount of compensation*”.

8. It is during the course of hearing that the petitioner-workman agreed to be satisfied with the enhancement of the lump sum amount of compensation, instead of pressing all the reliefs which have been claimed through the demand notice or by way of present writ petition.

9. While examining the plea of the respondents, it is found that learned Tribunal, while deciding issue No.1 in paragraph No.9 of the award, recorded the fact that any further development in the office of the respondents regarding filling up the vacancies after issuing the advertisement, and issuing names of the candidates selected for the post, becomes irrelevant for deciding the claim of the workman.

10. Be that as it may, taking note of all the circumstances including the fact that the petitioner-workman served the respondents-Department for little less than four years’ period and was being paid the wages of Rs.4,000/-



per month, this Court deems it appropriate to accept the prayer made by the petitioner-workman, as the same has already been recorded by the co-ordinate bench of this Court, vide order dated 28.02.2023.

12. Therefore, present writ petition stands disposed of, by directing the respondent Nos.2 and 3 to pay an additional amount of Rs.1,00,000/- (Rupees One Lac only), to the petitioner-workman, within a period of three months from today i.e. on or before 22.11.2024. However, it is clarified that in case, the said amount is not paid within the stipulated period, the petitioner – workman would be entitled to recover the same along with interest @ 6% per annum w.e.f. today's order i.e. 21.08.2024, till its realization.

With the aforementioned modifications, present writ petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

August 21, 2024

J.Ram

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