

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

207 (05 Cases)

CWP-8087-2015
Date of Decision : 20.09.2024

PHOOL KUMAR PETITIONER

V/S

PUNJAB TOURISM DEVELOPMENT CORPORATION LTD. AND
ORS

.... RESPONDENTS

2. CWP-8094-2015

VIR DEVINDER SINGH PETITIONER

V/S

PUNJAB TOURISM DEVELOPMENT CORPORATION LTD. AND
ORS

.... RESPONDENTS

3. CWP-8114-2015

MANGA SINGH PETITIONER

V/S

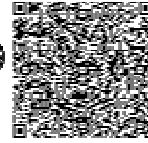
PUNJAB TOURISM DEVELOPMENT CORPORATION LTD AND
ORS

.... RESPONDENTS

CWP-8087-2015

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2024:PHHC:124869



4.

CWP-8155-2015

DINESH KUMAR

.... PETITIONER

V/S

PUNJAB TOURISM DEVELOPMENT CORPORATION LTD. AND
ORS

.... RESPONDENTS

5.

CWP-4032-2015

LUXMI PARSHAD

.... PETITIONER

V/S

THE PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, PATIALA &
ANR

.... RESPONDENTS

CORAM : HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Abhiraj Singh Baweja, Advocate for
Mr. H. S. Sirohi, Advocate
for the petitioner.

Mr. M. K. Dogra, Advocate
for the petitioner in CWP-4032-2015.

Mr. Saurabh Garg, Advocate
for respondent No.1.

JAGMOHAN BANSAL, J. (Oral)

1. By this common order, the above said petitions are disposed

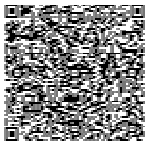


of as issues involved and prayer sought in all the petitions are common. For the sake of convenience and with the consent of parties, the facts are borrowed from CWP-8087-2015.

2. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of award dated 11.08.2014 (Annexure P-7) whereby reference has been answered against him.

3. The petitioner is a former employee of Punjab Tourism Development Corporation Ltd. It is undisputed fact that respondent-organisation has already been closed and its assets have either been sold or transferred to State of Punjab because it was State Government Undertaking. The petitioner was retrenched with an intimation that he can collect amount of compensation as determined under Section 25F of Industrial Disputes Act, 1947 (for short 'ID Act'). The petitioner did not collect amount of compensation and opted to approach Labour Court which vide impugned award dated 11.08.2014 has held that workman is entitled to original amount of compensation along with interest @ 12% per annum from the date when payment became due till actual realization.

4. Counsel for the petitioners submit that petitioners have not received amount of compensation as determined by respondent and confirmed by Labour Court. The amount determined was payable in 2007 and at this stage, the same amount cannot be paid. Even otherwise, there was order to pay compensation along with interest @ 12% per



annum.

5. Mr. Saurabh Garg, Advocate submits that as per his instructions, respondent-organization stands wound up. There are no assets with the organization. On being asked, he confirms that assets of the organization were either sold out or transferred to Punjab State Government.

6. As per award of Labour Court, the petitioner was awarded compensation of Rs.16,205/- along with interest @ 12% per annum. Similarly, compensation was awarded along with interest to other petitioners. The respondent till date has not made payment of said amount.

7. To resolve the issue, this Court finds it appropriate to direct the respondents to pay lump sum compensation of Rs.1 lakh to each petitioner within two months from today. In case, respondent fails to pay the said amount, it would be liable to pay interest @ 9% from the expiry of said period. It would be liability of not only respondent No.1-Punjab Terrorism Development Corporation Ltd. but also State of Punjab- Respondent No. 3 to pay aforesaid amount of compensation because respondent No. 1 was a State Government and its assets have been transferred to State Government.

8. Disposed of.

20.09.2024

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(JAGMOHAN BANSAL)
JUDGE

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