

**Neutral Citation No:2024:PHHC::055425**  
**CWP-5932-2017** **1**  
**IN THE HIGH COURT OF PUNJAB AND HARYANA AT**  
**CHANDIGARH**

118 **CWP-5932-2017**  
**Date of Decision: 24.04.2024**

**AMBIKA YADAV** **.... Petitioner**

**Versus**

**PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, PATIALA,**  
**DISTRICT COURT, PATIALA AND ANR**  
**....Respondents**

**CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH**

Present: Mr. Ravi Gakhar, Advocate for the petitioner.  
  
Mr. Ashish Kapoor, Advocate and  
Mr. M. S. Rana, Advocate for respondent No.2.  
\*\*\*\*\*

**SANJAY VASHISTH, J.(Oral)**

1. Petitioner-Ambika Yadav(workman), aged 62 years, has assailed the impugned award dated 28.07.2016 (Annexure P-1), passed by learned Labour Court, Patiala, whereby reference No.191 of 2012, filed under Section 10 (1) (c) of the Industrial Disputes Act, 1947 (for short, the Act of 1947') though been answered in favour of the workman, but same has been disposed of by awarding a meager amount of compensation worth Rs.5,000/- only.
2. During the proceedings before the Labour Court, though the Management was proceeded against ex-parte, but before that the written statement had been filed and except of formal objections, no special reason was pleaded therein as to on what basis services of the workman were terminated by it.
3. Learned counsel for the petitioner submits that looking at the fact that workman had rendered services for a period of one year and five months and that the order of termination was passed way

back in July 2011 and much water has flown thereafter, workman would be satisfied, if a lump sum amount of compensation is ordered to be paid by the Management within some time bound manner. For the said purpose, petitioner submits that he be granted a lump sum compensation of Rs.3,00,000/- (Rupees Three lacs) towards all the claims raised by the workman through the demand notice.

For substantiating his claim of compensation, Mr. Ravi Ghakhar, Advocate representing the petitioner also submits that to await justice, the workman had to face lot of agony during the proceedings before Labour Court from the year 2012 to 2016 and same continued even after filing of the resent writ petition also because required relief had not be awarded by the Labour Court.

4. On the other hand, Mr. Ashwani Kapoor, Advocate representing the Management though opposes the findings recorded by learned Labour Court, but in the absence of any writ petition filed by it challenging the findings recorded by learned Labour Court, this Court does not find any reason to adhere to the submissions addressed by the Management in regard to the findings recorded by the Labour Court.

5. Moreover, nothing substantial has been pleaded in the written statement also, which is appended with the memo of the present writ petition. Therefore, **while maintaining the findings recorded in the impugned award dated 28.07.2016 (Annexure P-1) qua the violation of provisions of Section 25-F of the Act of 1947,** this Court deems it appropriate to order for awarding of a lump sum compensation of Rs.2,25,000/- (Rupess Two lacs twenty five thousand) to the workman.

6.               Petitioner-Ambika Yadav (workman) would be entitled for a lump sum amount of compensation of Rs.2,25,000/- (Rupees Two lacs twenty five thousand), towards all his claims raised through the demand notice. Amount of lump sum compensation would be paid to the workman by the respondent(s)-Management, on or before 24.07.2024.

              In case of non-payment of the now awarded compensation amount within the prescribed time period, respondent(s)-Management shall be liable to pay the same alongwith interest @ 6% per annum with effect from 24.07.2024, till its actual payment.

8.               Thus, it will satisfy all the relief awarded to the workman through the award. With the aforesaid modification made in the impugned award, **the present petition stands disposed of.**

April 24, 2024

*rashmi*

Whether speaking/reasoned

Whether reportable?

[SANJAY VASHISTH]

JUDGE

yes/no

yes/no