



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(204)

CWP No. 1460 of 2023 (O&M)

Date of Decision : 29.01.2025

Senior Medical Officer, Civil Hospital Ludhiana, Punjab

...Petitioner

Versus

Presiding Officer, Industrial Tribunal, Ludhiana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Ms. Akshita Chauhan, Deputy Advocate General, Punjab.

Mr. Nippun Sharma, Advocate for respondent No. 2.

Harsimran Singh Sethi J. (Oral)

1. In the present petition, the grievance of the petitioner is that the Award dated 07.07.2022 (Annexure P-6) passed by the Tribunal granting the compensation in favour of respondent No. 2-employee is arbitrary and illegal as, respondent No. 2-employee was only appointed against the leave vacancy, which had occurred due to the maternity leave being granted to one of the employee, namely, Mandeep Kaur who was already working on the post in question.

2. Learned counsel for the petitioner submits that the Officer Mandeep Kaur after exhausting of maternity leave resigned on 24.02.2015 and upon joining of the new employee, namely, Ravitej, the services of respondent No. 2 (temporary employee) were terminated, which is perfectly



valid and legal but the said fact has not been appreciated in the correct perspective so as to grant lump-sum compensation of ₹75,000/- in favour of the respondent No. 2-employee.

3. Learned counsel for the respondent No. 2-employee submits that once the respondent No. 2-employee had completed a period of 240 days in preceding 12 months prior to the termination, the petitioners were under obligation with the provisions of Industrial Disputes Act, 1947 (hereinafter referred to as '1947 Act') which were not complied with and rather than reinstatement, the compensation was paid which is perfectly valid and legal.

4. I have heard learned counsel for the parties and have gone through the record with their able assistance.

5. Once, the violation of provisions of the 1947 Act is proved on the basis of facts and evidence on record, the benefit which has been extended to the respondent N. 2-employee is perfectly valid and legal.

6. On being asked to point out any perversity in the Award dated 07.07.2022 (Annexure P-6) keeping in view the facts and evidence which has come on record, learned counsel for the State has not been able to point out any perversity. Learned counsel for the petitioner has not been able to deny that 240 days have already been completed by the respondent No. 2-employee prior to the termination of his services.

7. That being so, no ground is made out for any interference by this Court in the present petition.

8. Dismissed.



9. Pending miscellaneous application, if any, also stands disposed of.

January 29, 2025
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No