

(2012) 09 P&H CK 0306

High Court Of Punjab And Haryana At Chandigarh

Case No: C.W.P. No. 20476 of 2009 (O and M)

Shakuntla Devi

APPELLANT

Vs

Presiding Officer, Labour Court,
Patiala and others

RESPONDENT

Date of Decision: Sept. 4, 2012

Acts Referred:

- Industrial Disputes Act, 1947 - Section 25F

Hon'ble Judges: Rajesh Bindal, J

Bench: Single Bench

Advocate: Vikas Singh, for the Appellant; Satish Bhanot, A.A.G., Punjab and Mr. Y.P. Singla, Advocate for respondents No. 2 and 3, for the Respondent

Judgement

Rajesh Bindal J.

The workman has approached this Court impugning the award dated 11.3.2008, passed by Presiding Officer, Labour Court, Patiala (for short, "the Labour Court"), whereby though the Labour Court found that services of the petitioner-workman were terminated in violation of the provisions of Section 25F of the Industrial Disputes Act, 1947 (for short, "the Act"), but still only compensation of Rs. 5,000/- has been awarded in lieu of reinstatement and back wages. Learned Counsel for the petitioner submitted that the petitioner in the present case was employed as daily wager. She worked from 16.6.1995 to 30.6.1997, however, w.e.f. 1.7.1997, her services were terminated in violation of the provisions of Section 25F of the Act. On a consideration of the evidence produced before the Labour Court, a finding has been recorded that the petitioner had completed 240 days in a calendar year preceding her retrenchment, hence, as a necessary consequence thereof, the petitioner was entitled to be reinstated back in service along with consequential benefits. He further submitted that daily wager juniors to the petitioner were retained in service. In support of his arguments, reliance was placed upon Harjinder Singh v. Punjab State Warehousing Corporation, 2010(2) SLR 15; Krishan Singh v. Executive Engineer,

Haryana State Agricultural Marketing Board, Rohtak 2010(2) SLR 797; Anoop Sharma v. Executive Engineer Public Health Division No. -1, Panipat (Haryana), 2010(3) SCT 319 and Devinder Singh v. Municipal Council, Sanaur, 2011(3) SCT 139.

2. On the other hand, Learned Counsel for respondents No. 2 and 3 submitted that the petitioner herein was employed as part-time sweeper (2-4 hours on working days) at Regional Office of Punjab State Seeds Corporation Ltd., Patiala (for short, "the Corporation"). Because of reduction in activities of the Corporation in the year 1997, when the Corporation was itself at the verge of closure, it was considered appropriate to curtail its expenditure. Regional Office at Patiala was closed and as a result thereof, services of all daily wages including the petitioner were terminated. In fact, services of the petitioner were terminated w.e.f. 1.5.1997 and not 1.7.1997. Thereafter, only one sales counter was operational at Patiala. The regular staff working at the Regional Office was transferred to other offices of the Corporation. With a view to make an effort to revive the Corporation, it was decided that regular staff be given golden handshake of voluntary retirement. Even sanctioned strength of the staff was reduced from 177 to 79. No knew staff was appointed except in very special circumstances. No post, which became vacant on retirement of an employee, was filled up by new incumbent. Considering the aforesaid facts, since there was no post and work for the petitioner, she cannot be reinstated back in service. As far as the contention raised by Learned Counsel for the petitioner regarding retention of certain other daily wagers is concerned, it was submitted that other persons, as claimed by the petitioner, were working in the processing plant, where the duties were entirely different, whereas the petitioner was working as a part-time sweeper at the Regional Office.

3. Heard Learned Counsel for the parties and perused the paper book.

4. No doubt, in the present case, it has been opined by the Labour Court that there was violation of the provisions of Section 25F of the Act as the services of the petitioner were terminated without compliance thereof, but still considering the facts of the case, where the Corporation itself was at the verge of closure. The regional office at Patiala, where the petitioner was employed, was closed. It had not only removed the temporary workers but even reduced sanctioned strength of regular staff from 177 to 79, in my opinion, under these circumstances, where the petitioner was merely working as part-time sweeper for 2 to 4 hours daily at Regional Office at Patiala, which was also closed in the year 1997, it would not be reasonable to direct reinstatement of the petitioner back in service. However, still in my opinion, the compensation as awarded by the Labour Court in the present case is not reasonable. The petitioner has merely been awarded Rs. 5,000/- . She worked for a period of about two years. The amount of compensation is enhanced to Rs. 25,000/- . The petition stands disposed of.