

(2013) 08 P&H CK 0087
In the Punjab And Haryana At Chandigarh
Case No : CWP No. 9305 of 1999

State of Haryana

APPELLANT

Vs

Smt. Dev Pati and others

RESPONDENT

Date of Decision : 16-08-2013

Acts Referred:

Citation : (2013) 08 P&H CK 0087

Hon'ble Judges : Satish Kumar Mittal, J

Bench : Single Bench

Advocate : Indresh Goel, Addl. AG Haryana, for the Appellant;

Final Decision : Disposed Off

Judgement

Satish Kumar Mittal, J.—State of Haryana has filed the instant writ petition challenging the award dated 19.12.1997 passed by the Labour Court, Hisar, whereby the termination of the services of the respondent-workman was held to be illegal and unjustified. Since during the pendency of the reference before the Labour Court the workman expired on 16.10.1996 and his LRs were impleaded, the Labour Court did not pass any order of reinstatement, however, the back wages from the date of termination i.e. 1.6.1994 to the death of the workman i.e. 16.10.1996 was awarded to the LRs of the workman. In addition to the said relief the Labour Court further directed that the widow or the major son of the deceased-workman is also entitled for service at his place on compassionate ground.

2. At the time of notice of motion the petitioner has confined his prayer with regard to the additional relief granted to the widow or the major son of the deceased with regard to compassionate appointment in place of the deceased-workman.

3. No one is present on behalf of workman.

4. I have heard learned counsel for the petitioner.

5. It was the case of the workman that he was engaged in the year 1991 as daily paid labourer and his services were illegally terminated w.e.f. 1.6.1994 without complying with the mandatory provision of Industrial Disputes Act, 1947. The management before the Labour Court tried to justify the termination by taking the stand that the workman has abandoned his services but could not prove the stand and ultimately the Labour Court recorded a finding that the termination of services of workman were illegal and unjustified. To that extent counsel for the petitioner does not dispute the award made by the Labour Court.

6. It is also not disputed that in view of the death of the workman during the pendency of reference, the LR's are entitled for the back wages from the date of termination till the date of death. However, learned counsel questioned that the Labour Court has no jurisdiction to grant the relief of employment on compassionate ground to the widow or major son of the deceased-workman. To that extent the award of the Labour Court is without jurisdiction. I find force in the submission made by learned counsel for the petitioner. In my opinion the Labour Court has no jurisdiction to grant such relief. The Labour Court has to confine to the dispute referred by the appropriate Government and in the present case no such reference was made to the Labour Court to take a decision with regard to granting employment to the widow or major son of the deceased-workman. Therefore, the Labour Court has acted beyond its jurisdiction while granting such relief. Hence, to that extent the award of the Labour Court is set aside. Learned counsel states that in case amount of back wages has not been paid to the LR's of workman, he undertakes that the same will be paid with interest to the LR's of workman within a period of three weeks. Disposed of in the aforesaid terms.