



CWP No.23114 of 2017 (O&M)

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

(235)

CWP No.23114 of 2017 (O&M)

Date of Decision: 18.08.2026

STATE OF PUNJAB AND ANOTHER

...Petitioners

VERSUS

ANGREJ SINGH AND ANOTHER

...Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Luvinder Sofat, Senior DAG, Punjab, for the petitioners.

None for respondent No.1.

KIRTI SINGH, J. (ORAL)

1. The present petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ of certiorari for quashing the order dated 24.03.2017 (Annexure P-4), passed by the learned Presiding Officer, Industrial Tribunal, Bathinda, in Application No.582/2012, whereby the application filed by respondent No.1 under Section 33-C(2) of the Industrial Disputes Act, 1947 has been allowed and the petitioner-department has been directed to compute and pay wages for working on Saturdays.

2. Briefly stated, respondent No.1 was appointed/engaged as Junior Engineer (Civil) with the petitioner-department and was posted at

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Moga since 24.01.1991. He retired on attaining the age of superannuation on 31.07.2012. Vide notification dated 07.04.1980, the Government of Punjab notified that all Saturdays of every month shall be observed as holidays in Government offices throughout the State of Punjab. Respondent No.1, contending that he was denied the benefit of closed Saturdays unlike Office Staff, along with other similarly placed employees, approached this Court in CWP No.18842 of 2002 titled *Jit Ram and others v. State of Punjab and others*, which was disposed of vide order dated 05.09.2002 in terms of the judgment of the Hon'ble Supreme Court in *Municipal Employees Union (Regd.), Sirhind and others v. State of Punjab and others*, decided on 15.03.2000, granting liberty to invoke Section 33-C(2) of the Industrial Disputes Act. Respondent No.1 had earlier filed an application under Section 33-C(2) claiming Rs.1,13,833/- for the period from 01.11.1999 to June, 2003, which was allowed by the learned Presiding Officer, Industrial Tribunal, Bathinda vide order dated 12.03.2013. The said order was under challenge in CWP No.24168 of 2013, which was disposed of vide order dated 23.08.2017 in terms of the order passed in CWP No.4088 of 2015. Thereafter, respondent No.1 filed the application giving rise to the present petition, being Application No.582/2012, claiming Rs.1,54,362/- along with interest for the period from 01.05.2008 to 31.07.2012, being arrears allegedly due for working on Saturdays. In its reply, the petitioner-department mainly pleaded that respondent No.1 had no pre-existing right to file the application under Section 33-C(2) of the Industrial Disputes Act; that he was working as a Junior Engineer in the Field Establishment; and that



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Field Staff and Office Staff belong to separate cadres and perform different duties, with no parity between the two categories.

3. Upon appreciation of the pleadings and evidence, the learned Industrial Tribunal, Bathinda, vide the impugned order dated 24.03.2017, held that respondent No.1 was entitled to claim wages for working on Saturdays for the period of three years prior to the institution of CWP No.18842 of 2002 till the date he worked on the said post, and directed the petitioner-department to compute and pay the amount accordingly, subject to departmental calculation and interest at 6% per annum in the event of delay. Aggrieved thereby, the present petition has been preferred.

4. Learned State Counsel, appearing for the petitioners, submits that the impugned order is not sustainable in law, inasmuch as the very issue involved herein stands conclusively settled against Field Staff by a Division Bench of this Court in *Nagar Council, Samrala v. Ram Sanjeevan and others*, LPA No.1178 of 2015, decided on 26.04.2016, and thereafter by a common judgment dated 23.08.2017 passed in a batch of 476 connected writ petitions, the lead case whereof is *Municipal Corporation, Patiala v. Presiding Officer, Labour Court, Patiala*, CWP No.4088 of 2015 (2018 (1) SCT 478). It is submitted that this Court, in the said batch judgment, has authoritatively held that Field Staff have no existing right to claim wages for work done on Saturdays, as they work a six-day-per-week schedule with the advantage of additional casual leave and other benefits not available to Office Staff, that there is no commonality in the work profile of Office Staff

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result in violation of Article 14 of the Constitution. It is further submitted that the judgment of the Hon'ble Supreme Court in *Municipal Employees Union (Regd.), Sirhind and others v. State of Punjab and others*, relied upon by respondent No.1, has no application to the facts of the present case, as has also been authoritatively held by this Court on facts materially identical to the present one in *State of Punjab and others v. Shudish Kumar @ Sudish Kumar and another*, CWP No.7826 of 2017 and 28 connected cases, decided on 02.08.2018, whereby twenty-nine similarly worded Tribunal orders in favour of Field Staff employees were set aside.

5. It deserves notice that when the matter was earlier taken up on 22.07.2026, learned State counsel had submitted, on instructions, that respondent No.1 stood duly served and that the issue was covered by the judgment passed in CWP No.4088 of 2015. In the interest of justice, one final opportunity was granted to respondent No.1 to address arguments, failing which the matter was to be decided on merits. The case was accordingly adjourned to 18.08.2026 for final arguments. Despite such opportunity, none has appeared on behalf of respondent No.1.

6. I have heard learned Learned counsel for the petitioner, and have carefully perused the record.

7. At the outset, it requires to be noticed that this Court, while exercising supervisory jurisdiction under Articles 226/227 of the Constitution of India over awards/orders of Labour Courts/Industrial Tribunals, does not sit in appeal over findings of fact, nor does it re-appreciate the evidence merely to determine whether another view was

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possible. Interference is, however, warranted where the order proceeds on an erroneous legal premise or is vitiated by an error of law apparent on the face of the record.

8. Tested on the aforesaid parameters, this Court finds that the impugned order dated 24.03.2017 is vitiated by an error of law and cannot be sustained.

9. The entitlement of Field Staff to wages for work performed on Saturdays, claimed on the strength of *Municipal Employees Union (Regd.), Sirhind* (supra), has been authoritatively examined by this Court in the common judgment dated 23.08.2017 rendered in CWP No.4088 of 2015, titled *Municipal Corporation, Patiala v. Presiding Officer, Labour Court, Patiala*, governing 476 connected matters. This Court held that Field Staff have no existing right to claim wages for work done on Saturdays, as they work in a six-day-per-week schedule with the advantage of additional casual leave and other benefits not available to Office Staff. It was further held that the nature and duties of the two categories are different and their services are not interchangeable.

10. The aforesaid principle directly applies to the case in hand. Respondent No.1 is admittedly a Junior Engineer (Civil) working in the Field Establishment of the PWD. His claim is founded essentially on the fact that, while he was required to work on Saturdays, Office Staff were enjoying Saturdays as holidays. Thus, the foundation of the claim itself is the alleged parity between Field Staff and Office Staff.

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11. Such parity, however, cannot be claimed merely because both categories are employees of the same department or because Office Staff are governed by a notification declaring Saturdays as holidays. The relevant consideration is the nature of the respective posts, their cadres, duties and service conditions. Once the two categories are distinct and their services are not interchangeable, a difference in the manner in which their weekly working arrangements are structured does not, by itself, give rise to a claim for additional wages.

12. The notification dated 07.04.1980 also cannot be read in isolation. The fact that Saturdays were declared holidays in Government offices does not, by itself, establish that every employee working in a field establishment acquired a corresponding substantive right to claim wages whenever his duties required him to work on a Saturday. The entitlement has to flow from the applicable service conditions governing the concerned category of employee.

13. The judgment in *Municipal Employees Union (Regd.), Sirhind* does not alter this position. The said judgment arose in the context of a particular class of employees and a distinct factual and service arrangement. It cannot be read as laying down a general proposition that every Field Staff employee working on Saturdays is entitled to additional wages merely because Office Staff are enjoying Saturday as a holiday. The subsequent judgments of this Court have specifically considered the distinction and have declined to extend the ratio of *Sirhind* to Field Staff as a separate category.

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14. The position becomes even clearer from the subsequent judgment in *State of Punjab and others v. Shudish Kumar @ Sudish Kumar and another*, CWP No.7826 of 2017 and 28 connected cases, decided on 02.08.2018. In that batch also, a Junior Engineer working as Field Staff with the PWD had claimed wages for Saturdays under Section 33-C(2) on the strength of the very same notification dated 07.04.1980. After considering the earlier judgments, including *Nagar Council, Samrala* and the common judgment in CWP No.4088 of 2015, this Court set aside the orders of the Tribunals granting such benefit..

15. The liberty granted by this Court vide order dated 05.09.2002 in CWP No.18842 of 2002 also does not alter this position. The said order merely permitted the concerned employees to invoke Section 33-C(2) for computation of their monetary claim. It cannot be construed as an unconditional adjudication that every member of the Field Staff possessed an existing and enforceable right to receive wages for Saturdays irrespective of his cadre, duties and service conditions. The question of entitlement necessarily remains governed by the applicable service conditions and the law laid down by the competent Courts.

16. In the present case, respondent No.1 has not been able to demonstrate any independent statutory, contractual or service-rule based entitlement to additional wages for Saturdays. His claim rests essentially upon the notification dated 07.04.1980 and parity with Office Staff. There is also nothing on record to establish that his cadre was interchangeable with



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that of Office Staff or that the service conditions applicable to Office Staff were equally applicable to him.

17. It is also significant that respondent No.1, despite due service and despite having been granted one final opportunity on 22.07.2026 to address arguments after the applicability of CWP No.4088 of 2015 had specifically been brought to his notice, has chosen not to appear. There is, therefore, no material or submission before this Court which would warrant distinguishing the aforesaid binding and directly applicable judgments in the facts of the present case.

18. In view of the aforesaid settled legal position, the learned Tribunal fell into an error of law in holding respondent No.1 entitled to wages for Saturdays on the basis of parity with Office Staff. The impugned order, having proceeded on an erroneous legal premise and being contrary to the binding judgments of this Court, cannot be sustained.

19. For the reasons recorded above, the present writ petition is allowed and the impugned order dated 24.03.2017 (Annexure P-4) passed by the learned Presiding Officer, Industrial Tribunal, Bathinda, in Application No.582/2012, is hereby set aside.

20. Pending application(s), if any, shall also stand disposed of.

(KIRTI SINGH)
JUDGE

18.08.2026
SwarnjitS

Whether speaking/reasoned : Yes / No
Whether reportable : Yes / No