

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

**Civil Writ Petition No.4927 of 1993**

**Date of decision: 8.12.2015**

The Haryana Cooperative Sugar Mills Limited, Rohtak

**... Petitioner**

**Versus**

Presiding Officer and another

**... Respondents**

**CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA**

**Present:** Mr.P.K.Mutneja, Advocate,  
for the petitioner.

Mr.R.K.Malik, Sr. Advocate with  
Mr.Kuldeep Sheoran, Advocate,  
for respondent No.2.

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1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

**RAJIV NARAIN RAINA, J.**

Heard Mr.P.K.Mutneja for the petitioner-mill and  
Mr.R.K.Malik, Senior Advocate appearing with Mr.Kuldeep Sheoran for  
respondent No.2. The impugned order dated January 7, 1992 passed by  
POLC, Rohtak has allowed the application and held the applicants entitled  
to recover sums of money from the management toward difference of wages  
for the relevant period under consideration. The Labour Court has also held  
that the applicants are not entitled to money as they have no existing right to  
claim the arrears of difference of wages from February 15, 1985 to

November 27, 1987 for good and sufficient reasons. Each of the applicants were held entitled to recover a sum of ₹ 14,764/- as difference of wages from the management.

2. Having heard the learned counsel, I do not find any infirmity in the order. The principle of 'equal pay for equal work' applied by the Labour Court was appropriate principle to be utilized. After all, a pre-existing right was created under a compromise award passed on November 25, 1987 by the Labour Court, Rohtak whereby the applicants were ordered to be reinstated to service without back wages and without any dispute regarding terms and conditions of service. The issue raised by the management that the award acted as a waiver by the applicants to claim difference of wages on the principle of 'equal pay for equal work' has not been accepted as the applicable legal premise. Daily wage clerks were found on evidence to have worked shoulder to shoulder discharging the same duties and responsibilities as were performed by regular clerks. No further evidence was required when the management witness Jai Parkash deposed that the two categories performed the same duties and this statement made before the court on oath/solemn affirmation has weighed with the Labour Court and this Court finds no defect in the reasoning adopted by the Labour Court in allowing the application under Section 33-C(2) of the Industrial Disputes Act, 1947 for which reason, interference is not warranted and the petition is liable to be dismissed.

3. The reliance placed by Mr.Mutneja on **State of Haryana and others v. Charanjit Singh and others;** (2006) 9 SCC 321 is distinguishable and has no application to the facts of the present case. There

is no doubt that the principle of 'equal pay for equal work' can be applied on the basis of evidence on case to case basis, and in each the Court must satisfy itself that the burden of proof has been discharged to prove that the work and conditions of service are identical and equal in all respects. In the present case, there is a clear admission by the management witness that the work performed by the two categories was equal in all respects.

4. No merit.

5. Dismissed.

**(RAJIV NARAIN RAINA)**  
**JUDGE**

**December 8, 2015**

*Paritosh Kumar*