

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

**Civil Writ Petition No.19886 of 2015**

**Date of decision: 18.9.2015**

Superintending Engineer, PSEB (Operation) and another

**... Petitioners**

**Versus**

Presiding Officer, Industrial Tribunal and another

**... Respondents**

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

**Present:** Mrs.Promila Nain, Advocate,  
for the petitioner.

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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. (Oral)**

The only argument raised by the Board in this petition filed under Articles 226 & 227 of the Constitution of India in challenge to the impugned award passed by the Presiding Officer, Industrial Tribunal, Amritsar dated 15<sup>th</sup> May, 2015 is that there were no vacancies against which the claim of the workman for regularization could be satisfied in terms of the policy of Punjab State Electricity Board formulated on 3<sup>rd</sup> February, 2004 [Ex.W3, pg.19] when the ban on regularization was lifted on 20<sup>th</sup> February, 2003. A reading of the policy circular Ex.W3 relied upon before the Labour Court is not based on vacancies but on creation of extra posts in the same rank/pay scales. The regularization of services of workcharged workers was made dependent on “as is where is basis” which are the words found in the policy circular issued by the Personnel Section of the Board. In view of this policy circular, Labour Court, Amritsar has not committed any

error in holding that the workman's case falls under instructions Ex.W3 and he was eligible to be promoted as a Work-Charge employee with effect from 31.12.1990. He would also be entitled to the pay scale of Work-Charge employees from the date of promotion till 17.5.1995, the date when he was actually promoted. Besides, Labour Court read the cross-examination of the management's witness MW1 and found it materially defeating the case of the Board. MW1 Tejinder Singh testified in the Witness Box that the workman was employed by the management as a daily wager in February, 1988. He admitted that upto 31.12.1990 the workman had completed 768 days of service. It was also admitted that vide award dated 9.8.2000, which resolved a dispute between the management and the workman [respondent herein] with respect to illegal termination which had led to award of reinstatement of the workman with continuity of service at the hands of the previous Labour Court and which has attained finality. The award grants him benefits with retrospective effect as though the order of termination was never passed. He would be entitled to all consequential benefits flowing therefrom except what was not granted to him by the Labour Court. The witness also candidly admitted that the services of the workman were to be counted with effect from February, 1988, which was the original date of appointment of the petitioner as a daily wager. The workman deserves the benefit of the policy circular converting all daily wagers to the status of work-charge employees as had completed 500 days of service prior to the appointed date.

I have no reason to differ with the findings of the Labour Court which are based on sound principles of law and the evidence available on record and appreciated in a just and proper manner.

Consequently, the petition stands dismissed.

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

**September 18, 2015**  
Paritosh Kumar