

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARAYANA AT CHANDIGARH**

Date of Decision: 04.12.2015

LPA No.1252 of 2014

The Chief Engineer Punjab, PWD B&R, Patiala & anotherAppellants

Versus

Dharma Singh & anotherRespondents

LPA No.1253 of 2014

The Chief Engineer Punjab, PWD B&R, Patiala & anotherAppellants

Versus

Tara Singh & anotherRespondents

LPA No.1254 of 2014

The Chief Engineer Punjab, PWD B&R, Patiala & anotherAppellants

Versus

Darshan Singh & anotherRespondents

LPA No.1255 of 2014

The Chief Engineer Punjab, PWD B&R, Patiala & anotherAppellants

Versus

Gurdev Singh & anotherRespondents

LPA No.1256 of 2014

The Chief Engineer Punjab, PWD B&R, Patiala & anotherAppellants

Versus

Manga Singh & anotherRespondents

LPA No.1257 of 2014

The Chief Engineer Punjab, PWD B&R, Patiala & anotherAppellants

Versus

Jaswant Singh & anotherRespondents

LPA No.1085 of 2014

The Chief Engineer Punjab, PWD B&R, Patiala & anotherAppellants

Versus

Sukhdev Singh & anotherRespondents

LPA No.1078 of 2014

The Chief Engineer Punjab, PWD B&R, Patiala & anotherAppellants

Versus

Gullu Singh & anotherRespondents

**CORAM: HON'BLE MR. JUSTICE HEMANT GUPTA
HON'BLE MRS. JUSTICE RAJ RAHUL GARG**

Present: Mr. Manoj Bajaj, Addl. AG, Punjab,
for the appellants.

Mr. Ravi K. Mattoo, Advocate,
for the respondents.

HEMANT GUPTA, J.

This order shall dispose of aforementioned eight appeals under Clause X of the Letters Patent directed against the common order passed by the learned Single Bench of this Court on 19.12.2013, whereby the writ-petitioners were given benefit of pre-mature increment meant for the workers, who did not participate in the strike on 08.02.1978. The writ petitions were allowed relying upon the judgment of this Court in Ramesh Chander & others Vs. State of Punjab & others 2010 Lab. I.C. 469.

Learned counsel for the appellants has referred to the Hon'ble Supreme Court order dated 12.02.2015 delivered in Civil Appeals Nos.3487-3492 of 2004 titled 'State of Punjab & others Vs. Surinder Singh & others', wherein the Hon'ble Supreme Court approved the Full Bench judgment of this

Court dated 04.05.1998 rendered in CWP No.14874 of 1995 titled 'Saroj Kumari & others Vs. State of Punjab & others' and found that the Division Bench judgment in CWP No.19057 of 2001 titled 'Surinder Singh & others Vs. State of Punjab & others' based upon concession is not correct and the order should have been reviewed once the Full Bench judgment was brought to its notice.

As per the Full Bench judgment in Saroj Kumari's case (supra), as approved by the Hon'ble Supreme Court, the benefit of pre-mature increment is available only to those employees, who were regular employees on 08.02.1978 and is not admissible to the ad hoc or contractual employees.

The respondents herein were not the regular employees. Thus, they are not entitled to premature increments. In view of the above, the order passed by the learned Single Judge, upholding the Award of the learned Labour Court under Section 33-C(2) of the Industrial Disputes Act, 1947, is not sustainable. Consequently, all the appeals are allowed and the order dated 19.12.2013 passed by the learned Single Bench as well as the order dated 19.11.2012 passed by the learned Labour Court are set aside.

(HEMANT GUPTA)
JUDGE

04.12.2015
Vimal

(RAJ RAHUL GARG)
JUDGE

