

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

LPA No. 1444 of 2015 (O&M)

DATE OF DECISION : 07.10.2015

The Punjab State Cooperative Bank Limited, Chandigarh

.... APPELLANT

Versus

Presiding Officer, Labour Court, Patiala and others

.... RESPONDENTS

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

HON'BLE MR. JUSTICE MAHAVIR S. CHAUHAN

Present : Mr. P.S. Bajwa, Advocate,
for the appellant.

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SATISH KUMAR MITTAL, J. (Oral)

The Punjab State Cooperative Bank Limited, Chandigarh (Management), has filed this intra-court appeal under Clause X of the Letters Patent against the interim order dated 30.07.2015 passed by the learned Single Judge, whereby while allowing the application (CM No. 4686-CWP of 2015) filed by workman, namely Jagjit Singh (respondent No.2 herein), in the writ petition (CWP No. 9537 of 1992) filed by the appellant – Management, the appellant – Management has been directed to make payment of wages to respondent No.2 – workman under Section 17-B of the Industrial Disputes Act, 1947 (hereinafter referred to as 'the Act'). It is to be pointed out that the last drawn wages of the workman was only ₹ 630/- per month.

There is delay of 12 days in filing the appeal and the appellant has filed application (CM No. 3093-LPA of 2015) for condoning the said delay. Though there is no justification to condone the said delay, yet we have heard learned counsel for the appellant on merits and have gone through the impugned order passed by the learned Single Judge.

The present case is an example, where the public institutions, like the appellant Bank, are wasting the public money and valuable time of the court by filing frivolous and unsustainable appeals. In the instant case, services of the workman were terminated on 01.09.1986. On reference made by the Government, the matter went to the Labour Court. Ultimately, the Labour Court vide award dated 27.01.1992 observed that termination of the workman without compliance of the provisions of Section 25-F of the Act was illegal, null and void, and ordered his reinstatement with continuity of service and full back wages. The writ petition (CWP No. 9537 of 1992) filed by the Management, challenging the said award, was admitted, but without any interim order of stay. In spite of that, neither the workman was reinstated nor the back wages was paid to him. Therefore, the workman moved an application (CM No. 4686-CWP of 2015) for compliance of the provisions of Section 17-B of the Act. In the application, it was specifically averred that the workman was gainfully employed since the date of the Award. The application was duly supported by an affidavit of the workman. The aforesaid averment was not controverted by the Management by filing

counter affidavit. Vide the impugned order, the said application has been allowed.

Instead of complying with the impugned order, which is reasonable and just, the Management decided to challenge the same, by filing the instant appeal. Even in the grounds of appeal, it has not been stated that the workman remained gainfully employed during the period in which he remained out of employment. Only a vague averment has been made that the Management has learnt from reliable sources that the workman is working as a Typist in District Courts, Patiala. However, there is no proof in this regard. Hence, all these facts show as to how the Management, particularly when it is an instrumentality of the State, is dealing with the minor matters pertaining to workmen. Now a days, such kind of frivolous appeals are being filed by instrumentality of the State or Public Corporations, which is contrary to the litigation policy adopted by these institutions. They are least concerned about the court time and money to be spent on such litigation, because the amount is not to be paid from the pockets of the Officers, who take such decisions. Rather, the money is being spent from the public funds. Therefore, we are of the opinion that this appeal, which has no merit at all and has been filed by the Management unnecessarily, should be dismissed with heavy costs, and the amount of costs should be paid by the Managing Director of the appellant Bank from his pocket.

Consequently, the appeal is dismissed with costs of ₹ 50,000/-, to be paid by the Managing Director of the appellant bank within 15 days from today and shall be deposited with the Punjab State Legal Services Authority. We further direct the appellant Bank to immediately comply with the impugned order passed by the learned Single Judge.

(SATISH KUMAR MITTAL)
JUDGE

October 07, 2015
ndj

(MAHAVIR S. CHAUHAN)
JUDGE