

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

CWP No.8031 of 1994

Date of Decision:17.12.2016

The Management of M/s the Panipat Cooperative Sugar Mills Ltd.

... Petitioner

Vs.

The Presiding Officer and another

... Respondents

CORAM : HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present : Mr. C.B. Goel, Advocate for the petitioner.

Mr. Ramesh Goyat, Advocate for respondent No.2.

P.B. BAJANTHRI J.

In the present writ petition, the petitioner has questioned the validity of the order passed by the Industrial Tribunal-cum-Labour Court dated 16.2.1994.

Services of the respondents-workers were engaged by the petitioner as Bottling Attendant. The workers have been denied payment of wages on par with regular Bottling Attendant including various allowances like house rent, cycle allowance, washing allowance etc. Thus, they made a claim statement before the competent authority on 16.9.1988. The same was referred to the Labour Court. The Labour Court on 16.2.1994 accepted the reference while holding as follows:

“18. For the reasons that the workmen of this case are entitled to draw the equal pay as pay is being drawn by other workers, they are entitled to all the facilities which are availed of permanent employees and I decide this issue in favour of the workmen.

Issue No.2 (Relief):

19. In view of my finding on the above issue, I accept the reference petition and I allow the workmen to draw all the

facilities which the permanent employees are drawing. The parties are left to bear their own cost and the reference is answered and returned accordingly.”

Thus, the petitioner has presented this petition questioning the decision of the Labour Court.

Learned counsel for the petitioner submitted that the respondents-workers were appointed as Bottling Attendant on casual basis and not against the regular post. The services of the respondents-workers have taken as stop-gap arrangement depending upon the seasonal work. Therefore, the respondents-workers are not entitled for pay scale or pay attached to the post of Bottling Attendant as also for allowances as claimed by them. It was also submitted that services of respondents-workers were regularized on 14.10.1988 against the post of Bottling Attendant. Therefore, the respondents have not made out a case so as to seek equal pay for equal work. Thus, the Labour Court had erred in granting relief to the respondents-workers. Hence, award passed by the Labour Court is liable to be set aside.

On the other hand, learned counsel for the respondents-workers submitted that no material has been produced before the Labour Court to point out that the respondents-workers were engaged on seasonal basis and so also no distinguishable material has been produced to contend that they are temporary employees so as to deny benefit of equal pay for equal work. Even assuming that respondents-workers are working on ad-hoc basis as Bottling Attendant, still they were discharging their duties at par with the regular employees. Hence, respondents-workers are entitled for the benefit of equal pay for equal work. Thus, the petitioner has not made out a case so as to interfere with the Labour Court award.

Heard learned counsel for the parties.

Perusal of Annexure P-1 and award (Annexure P-2) in particularly para-13, nowhere the petitioner has stated that the respondents-workers were working on seasonal basis so as to deny the benefits as claimed by the respondents-workers. The Labour Court in para 14 of its award had taken note of Ex.M-13 and allowed claim of the respondents-workers. Even assuming that respondents-workers are working on ad-hoc basis, still they are entitled for equal pay for equal work in view of the latest decision of the Apex Court in *State of Punjab and others v. Jagjit Singh and others*; JT 2016 (10) SC 434..

Accordingly, the petitioner has not made out a case so as to interfere with award passed by the labour Court.

The present petition is dismissed.

17.12.2016
rajeev

(P.B. Bajanthri)
Judge

Whether speaking/reasoned **Yes/No**

Whether reportable **Yes/No**