

CWP No. 15141 of 2016

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

**CWP No. 15141 of 2016.
Date of Decision : 01.08.2016**

Shivalik Model Senior Secondary School

...Petitioner

Versus

The Presiding Officer, Industrial Tribunal, Patiala and others

...Respondents

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

Present: Mr. Ashok Aneja, Advocate for the petitioner.

P.B. Bajanthri, J.(Oral)

In the present writ petition, the petitioner has assailed the order dated 06.12.2013 (Annexure P-1) passed by Industrial Tribunal, Patiala.

The petitioner worked with the respondents as a Laboratory Assistant from 01.02.1996 to February 2006. One of the contention raised by the petitioner before the Labour Court that there is no relationship between the petitioner and the workman seeking relief before the Labour Court. The Labour Court has given valid reasons in para 13, which reads as under :-

“13. Undisputedly, the workman was employed as Laboratory Attendant by the respondent. The case of the management is that he was employed on temporary basis by Parents Teacher Association and was paid agreed consolidated salary of Rs.

1000/- and, thereafter, Rs. 1200/- P.M. However, no appointment letter with the name is placed on the file that he was employed from the fund of Parents Teacher Association. The order Ex. W7/Ex.R3 has already been passed in favour of the workman by Authority under the Minimum Wages Act, 1948, Mohali. In the application before the Authority under the Minimum Wages Act, 1948, workman prayed for awarding him difference of minimum wages and wages paid to him w.e.f. 01.02.1996, but his claim was restricted for the period of 6 months from the date of filing application in view of Sub Section (2) of Section 20 of the Minimum Wages Act, 1948. The order Ex. W7/Ex.R3 is never challenged by the respondent management. This means that the post, on which the workman worked under the respondent, is covered under the Minimum Wages Act, 1948.”

In view of the quasi judicial authorities, finding given under the Minimum Wages Act, 1948, vide order Ex.W7/Ex.R3 and it has attained finality. The petitioner-School has not challenged the same. Petitioners have accepted the order passed under the Minimum Wages Act, 1948. Therefore, the petitioners have not made out a case so as to interfere in the order dated 06.12.2013 (Annexure P-1) passed by Industrial Tribunal, Patiala.

Petition stands dismissed.

August 01, 2016.
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(P.B. BAJANTHRI)
JUDGE

Whether speaking/reasoned? Yes

Whether reportable? No