

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

CWP No. 6354 of 2013
Date of decision: 22.08.2016

The Saholi Co-operative Agricultural Service Society Ltd.

....Petitioner

Versus

The Presiding Officer, Industrial Tribunal, Ludhiana and another

....Respondents

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

Present: Mr. M.S. Bedi, Advocate,
for the petitioner.

Mr. Sharwan Sehgal, Advocate,
for respondent No.2.

P.B. BAJANTHRI, J. (Oral)

In the present petition, the petitioner has questioned the award dated 27.09.2012.

The respondent Zora Singh claims that he is entitled for following relief:-

a)	Gratuity under the rules applicable to the respondent @ 15 days wages per year of service	:	Rs. 51,692/-
b)	Salary from 01/01/2004 to 31/03/2004 @ Rs. 5600/- per month	:	Rs. 16,800/-
c)	Arrears of revision of pay scale which was revised w.e.f : 01/01/1996	:	Rs.35,000/-
d)	Leave with wages upto 31/03/2004 i.e. 45 days wages	:	Rs.8,400/-
Total			Rs. 1,11,892/-
Estimated interest @ 12 % per annum			Rs. 20,000/-
Grand Total			Rs. 1,31,892/-

The labour Court held that respondent Zora Singh is entitled to

recover from the respondent arrears of revised pay scale w.e.f 01.01.1996 (to be recalculated by the respondent, responsibly and honestly). It was further held that the respondent Zora Singh was entitled for leave encashment and other benefits.

The petitioner opposed for payment of arrears of revision of pay scale w.e.f 01.01.1996 and it was submitted that respondent Zora Singh is entitled to revision of pay scale w.e.f 01.01.1998. It was further contended that respondent Zora Singh was required to pay contribution of 5 % towards gratuity amount in view of the Rules called the Punjab State Cooperative Agricultural Service Rules, 1997 note to Rule 19 mandates that an employee is required to deposit 5% towards gratuity amount.

In view of facts and circumstances, the respondent is entitled to revision of pay w.e.f 01.01.1998 and in so far as grant of gratuity amount is concerned, the respondent is directed to contribute 5 % of the basic pay towards gratuity along with 6 % interest. Thereafter, the petitioner is directed to calculate the gratuity amount and disburse the same within a period of four months.

To the above extend, the labour Court award dated 27.09.2012 is modified.

22.08.2016

PA

(P.B. Bajanthri)

Judge

Whether speaking/reasoned Yes/No

Whether reportable Yes/No