

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

LPA No.472 of 2014 (O&M)

Date of Decision : 26.07.2016

The Nawanshahr Central Cooperative
Bank Ltd., Nawanshahr

....Appellant

Versus

The Presiding Officer, Industrial Tribunal,
Punjab and others

....Respondents

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR.JUSTICE DR.SHEKHER DHAWAN

....

Present: Mr. R.S.Pandher, Advocate
for the appellant.

Mr. Harit Sharma, Advocate
for respondent No.3.

.....

MAHESH GROVER, J.

This appeal is directed against the judgment of the learned
Single Judge dated 30.10.2013.

One special increment was granted to the employees on
the strength of the resolution passed by the Board of Directors which
was then sought to be questioned on the issue that it was contrary to
rules. The employees went to the Labour Court seeking the benefit as
per the resolution of the Board which was answered in affirmative
vide award dated 05.10.1991. It was carried in a writ petition before
this Court where it was admitted. At the time of disposal, the Court
noticed that the benefit had already been given to the employees who
were in service at the relevant time i.e. on 01.11.1989. It was
observed that the bank could not recover the benefit from the

employees who had already gained from it. The award of the Labour Court was upheld with a limited modification that it shall be applicable only qua those employees who were working on 01.11.1989, implying thereby that the the contention of the bank regarding inadmissibility of the benefit being contrary to the rules was impliedly upheld.

In this appeal, learned counsel for the appellant contends that since the benefit was contrary to the rules, it should not be inclusive as a consideration of pay revision for the employees.

We notice that such a plea was never raised before the learned Single Judge and rather at no point of time was it ever broached by the appellant. It has been candidly conceded by the learned counsel for the appellant that such a plea was never raised. If that is so, then we would not deem it proper to exercise our jurisdiction in Letters Patent being a correctional jurisdiction to grant a prayer which was never pressed before the learned Single Judge at any point of time.

No ground to interfere.

Dismissed.

(MAHESH GROVER)
JUDGE

26.07.2016
dss

(SHEKHER DHAWAN)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No