

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

CWP No.10635 of 1995 (O&M)

Date of Decision:06.09.2017

The Punjab Poultry Development Corporation Limited ... Petitioner

Vs.

The State of Punjab and others

... Respondents

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

Present : Mr. H.S. Dhandi, Advocate for the petitioner.

Mr. B.S. Sewak, Addl. A.G. Punjab.

None for respondent No.2.

P.B. BAJANTHRI J. (Oral)

Despite giving sufficient time, there is no representation on behalf of respondent No.2-workman.

The petitioner has challenged the validity of the award passed by the Labour Court dated 20.12.1994 (Annexure P-4). Respondent's grievance is relating to revision of pay w.e.f. 1.1.1978. In this regard, there was a demand notice. While deciding the award, Labour Court held that demand No.1 for including the other employees in class IV category apart from peon is to be genuine and justified and the workers are held entitled to the same. The Management shall extend the benefit w.e.f. 1.1.1978 within a period of two months from today. The petitioner being aggrieved by the award presented this petition.

Learned counsel for the petitioner submitted that insofar as extending the benefit of pay revision, committee was constituted and proceedings were drawn on 17.2.1989 while giving effect w.e.f. 1.1.1986. Therefore, the Labour Court has erred in extending the benefit of revision of pay to certain class IV employees w.e.f. 1.1.1978 and the same is contrary to

the proceedings dated 17.2.1989 in extending revision of pay. The petitioner-corporation have adopted the revision of pay of the State Government on 17.2.1989 while giving effect w.e.f. 1.1.1986. Unless and until respondent-workman challenges the proceedings dated 17.2.1989 by which revision of pay has been extended w.e.f. 1.1.1986, respondent-workman has no claim. Therefore, the Labour Court has erred in not noticing the proceedings dated 17.2.1989 of the petitioner-corporation insofar as extending the revision of pay w.e.f. 1.1.1986. Hence, the award passed by the Labour Court dated 20.12.1994 (Annexure P-4) to the extent that respondent-workman is entitled to revision of pay w.e.f. 1.1.1978 is set aside.

Petition stands allowed accordingly.

06.09.2017
rajeev

(P.B. Bajanthri)
Judge

Whether speaking/reasoned **Yes/No**

Whether reportable **Yes/No**