

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

Date of decision: 21.03.2017

CWP No.26051 of 2016

Sukhdev Singh

...Petitioner

Vs.

PEPSU Road Transport Corporation & another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Ajay Kamboj, Advocate, for
Mr. Gurmeet Singh Saini, Advocate, for the petitioner.

RAJIV NARAIN RAINA, J. (ORAL)

The challenge in this petition is to an order passed on 17.10.2012 in proceedings under Section 33 (C) 2 of the Industrial Disputes Act, 1947. The claim before the Labour Court was for 'double duty wages' without showing a pre existing right to claim such wages based on statutory rule or executive instructions.

The wonderful part of this case is that the petitioner took voluntary retirement as a Conductor in October, 2001 and then litigated. The finding of the Labour Court is that when subjected to cross-examination, the petitioner had admitted that he had received all his service benefits due upon retirement and he had no record to show that he had performed double duty/overtime work with the Management – Pepsu Road Transport Corporation. The Labour Court specifically noticed that the workman himself admitted that there was no rule on which his claim was based and issued by the Corporation. There was nothing on record to suggest

that double duty had been performed, there being absence of documentary evidence adduced by the applicant-petitioner.

The petitioner has wasted much time of the Labour Court by initiating a frivolous and vexatious proceeding which has cost a lot of court time and labour. If he was not satisfied with the order passed in 2012 by the labour court dismissing his claim application then I wonder why he woke up after 4½ years to file this petition challenging the order. In this petition as well, he has wasted time of this Court spent hearing the case of the petitioner and the dais time consumed in passing this order in writing and assigning reasons therefor.

Consequently, the instant petition was dismissed being devoid of merit with costs of ₹50,000/- to be deposited with the Mediation & Conciliation Centre annexed to this Court within a period of two months. And in case, the amount is not deposited, it will be open to the Mediation & Conciliation Centre to recover the money from the petitioner as arrears of land revenue.

However, on reconsideration on costs imposed on a plaintive request made by Mr. G.S.Saini in the forenoon session that his client is a poor person who retired as a conductor and would be unable to bear costs, the order as to costs is recalled.

21.03.2017
Vimal

[RAJIV NARAIN RAINA]
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>
<i>Whether Reportable:</i>	<i>No</i>