

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

(1.) CWP No.26907 of 2016 (O&M)
Date of Decision:-25.07.2017.

Civil Surgeon, Patiala

.....Petitioner

Versus

Balbir Singh and another

.....Respondents

(2.) CWP No.26385 of 2016.

Civil Surgeon, Patiala

.....Petitioner

Versus

Lakmir Singh and another

.....Respondents

(3.) CWP No.26939 of 2016.

Civil Surgeon, Patiala

.....Petitioner

Versus

Arjan Singh and another

.....Respondents

(4.) CWP No.26955 of 2016.

Civil Surgeon, Patiala

.....Petitioner

Versus

Karam Singh and another

.....Respondents

(5.)

CWP No.3528 of 2017.

Civil Surgeon, Patiala

.....Petitioner

Versus

Ajaib Singh and another

.....Respondents

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

Present: Mr. Rajesh Bhardwaj, Additional A.G. Punjab.

None for the respondents.

P.B. BAJANTHRI, J. (Oral)

By this common order, above Civil Writ Petitions shall be disposed of as the point in issue involved in all these cases is identical. For brevity, facts are being extracted from CWP No.26907 of 2016.

Petitioner has questioned the award passed by the Labour Court dated 29.2.2016 (Annexure P-1) under Section 33-C of the Industrial Disputes Act, 1947.

Labour Court has framed the following issues:-

“I. Whether the workman is entitled to recover the Local Travelling allowance from the respondent amounting to Rs.34800/-? OPW

II. If issue No.1 is proved, whether the workman is entitled to the interest” If so, at what rate? OPW

III. Whether the application is not maintainable as per objections taken in the written statement? OPM

IV. Relief.

Labour Court after considering the documentary evidence and

the fact that the respondents were initially working as Swasth Sahayak, persons who were working against the post of Swasth Sahayak were entitled to certain allowances like travelling allowance etc. Whereas, Field worker is not entitled for travelling allowance. On the other hand, Field workers are entitled to school allowance. Labour Court taken into consideration of the fact that Swasth Sahayak post was merged with the Field worker, therefore, respondents are entitled for travelling allowance. Accordingly, award has been passed on 29.2.2016.

Learned counsel for the petitioner vehemently contended that post of Swasth Sahayak was abolished from the Department. Respondents-workmen are not entitled for travelling allowance as per the instructions issued on 9.3.1998 vide exhibit DW1. Therefore, Labour Court has erred in extending the benefit of travelling allowance to the respondents-workmen to the extent of ₹ 34,800/- to each of the respondent-workman. It is to be noted that post of Swasth Sahayak has not been abolished so as to treat the respondents as surplus employees and thereafter they have been accommodated against Field worker post. On the other hand, it is evident from the record, that the post of Swasth Sahayak was merged with the Field worker. Therefore, respondents-workmen are entitled for travelling allowance as held by the Labour Court. Petitioner have not made out a case so as interfere with the award passed by the Labour Court.

Accordingly, writ petitions stand dismissed.

(P.B. BAJANTHRI)
JUDGE

July 25, 2017.

sandeep sethi

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.