

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

LPA No.992 of 2017 (O&M)

Date of Decision : 04.08.2017

Punjab State Civil Supplies Corporation
Limited and another

....Appellants

Versus

The Presiding Officer, Industrial Tribunal,
Amritsar and others

....Respondents

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR.JUSTICE RAJ SHEKHAR ATTRI

...

Present: Ms.Deepali Puri, Advocate
for the appellants.

...

MAHESH GROVER, J. (Oral)

CM-2125 & 2126-2017

Delay of 17 days in filing and 16 days in re-filing the
appeal is condoned.

Applications stand allowed.

LPA No.992 of 2017

This appeal is directed against the judgment of the learned Single Judge dated 17.02.2017 who while upholding the award of the Labour Court granted the relief of regularisation to the respondents-workmen on the ground of parity since their juniors were granted the similar benefit. While doing so,

extensive reliance has been placed on the testimony of the management witness RW-1 Ashok Kumar, which we intend to reproduce at the cost of repetition, even though it has been recorded in verbatim in the impugned judgment as well :-

“14. On the other hand on behalf of managements, RW1 Ashok Kumar has tendered his affidavit Ex.RW1, in which he has stated that he is working in the department of the last many years and his authority letter is Ex.R.1. The General Secretary of Manav Kalyan Union is not competent person to file the present case on behalf of the workers. He has further stated that the workers on whose behalf the union is contesting the present case, are daily wagers and there is no government policy that workers can be regularized. The last regularized policy was for the term of workers, who joined the service in the year 1994. The record pertaining to it is Ex.R.2. In his cross examination, he has stated that he cannot tell whether in the year 2001 to 2003 there was policy to regularize the workers. He has admitted that in the notification Ex.R.2 at page no.6, there are instructions for regularization of the labourers. He has further stated that he has written to the department that the

worker be regularized, but no action was taken by the department. He has admitted that in Ex.R2 at page no.12 there is seniority list of Chowkidars and the names of these workers are also in the same. He has admitted that as per list, Harjinder Singh has joined on 24.03.1998. He was regularized. Sukhwinder Singh and Bakhshish Singh workers were regularized on the other [sic, 'order'] of the Hon'ble High Court. He has further admitted that the workers, who have filed this case, are senior to the workers, who have filed this case, are senior to the workers who were regularized. Now, no post of Chowkidar is lying vacant. He further admitted that as per Ex.WX at page no.4, 22 posts of Chowkidars are still vacant. He further admitted that the workers, who were earlier employed in the year 1981 to 1983, were discharged in the year 1987 and they were again employed from 1994 to 1997.”

A perusal of the above shows that there is a categorical admission on the part of management witness that some of the persons junior to the respondents-workmen were regularised even though under the orders of the courts. One Harjinder Singh, whose example was also given, was appointed much later than

the respondents-workmen in the present proceedings. We would thus have no reason to differ with the judgment of the learned Single Judge, although strenuous effort has been made by the learned counsel for the appellants with reference to the seniority list to contend that this list did not substantiate what witness has stated before the Labour Court and forms the basis of award and the impugned judgment. We are not enamoured of this as the witness of the management testified categorically about the juniors being regularised. If it was contrary to the seniority list, the appellant should have moved appropriately before the Labour Court to undo the damage but no such attempt was made.

Consequently, we do not find any merit in the instant appeal and dismiss the same.

(MAHESH GROVER)
JUDGE

04.08.2017
dss

(RAJ SHEKHAR ATTRI)
JUDGE

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