

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

CWP No.22766-2018

Date of Decision: 19.09.2018.

The Execution Engineer Water Supply and Sanitation Division and others
....Petitioners.

Versus

Ashok Kumar and another

....Respondents.

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present: Ms. Bhavna Gupta, Deputy Advocate General, Punjab
for the petitioners.

Shekher Dhawan, J.

Present writ petition under Articles 226 and 227 of the Constitution of India is challenge to the order dated 07.12.2016 (Annexure-P1) passed by Industrial Tribunal, Ludhiana (for short, 'the Tribunal'), whereby on an application under Section 33-C(2) of the Industrial Disputes Act, 1947, the Tribunal allowed the claim of wages for working on Saturdays and the petitioner-department was directed to calculate and pay the amount within a period of three months from the date of receipt of certified copy of the order, failing which the workman was held to charge interest on the due amount @ 6% per annum from the date of order.

At the time of arguments, learned State counsel representing the petitioners has contended that the controversy involved in the present writ petition is squarely covered as per the decision of this Court in

CWP No.8815 of 2017 - 'State of Punjab and others vs. Madhu Sharma and others' decided on 10.07.2018 wherein, while placing reliance upon the decision dated 26.04.2016 of Hon'ble Division Bench of this Court LPA No.1178 of 2015, Nagar Council, Samrala Vs. Ram Sanjeevan and others and judgment of a Co-ordinate Bench of this Court in Municipal Corporation Patiala through its Commissioner Vs. Presiding Officer, Labour Court, Patiala and another, 2018(1) SCT 478, it was held that the field staff is not entitled to wages for working on Saturdays.

In view of the above, the present writ petition stands allowed in terms of judgment dated 10.07.2018 of this Court passed in **CWP No.8815 of 2017 - 'State of Punjab and others vs. Madhu Sharma and others'**. The impugned order dated 07.12.2016 (Annexure-P1) passed by learned Tribunal is set aside.

(SHEKHER DHAWAN)
JUDGE

19.09.2018

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Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No