

**CM-1194-1195-LPA-2016 and
CM-1977-1978-2279-2280-LPA-2018 and
CM-2954-LPA-2018 in/and
LPA-566-2016 (O&M) and connected cases**

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

**CM-1194-1195-LPA-2016 and
CM-1977-1978-2279-2280-LPA-2018 and
CM-2954-LPA-2018 in/and
LPA-566-2016 (O&M)
Date of Decision: August 14, 2018**

The Principal Medical Officer, Civil Hospital, Bhiwani

.....Appellant.

Versus

Sunita and another

.....Respondents

2. LPA-433-2016 (O&M)

The Principal Medical Officer, Civil Hospital, Bhiwani and others

.....Appellants

Versus

Vijay Kumar and another

.....Respondents

3. LPA-428-2018 (O&M)

The Principal Medical Officer Civil Hospital Bhiwani and others

.....Appellants

Versus

Nirmla and another

.....Respondents

4. LPA-2513-2016 (O&M)

The Chief Medical Officer General Hospital Bhiwani

.....Appellant

Versus

Naranjan and another

.....Respondents

5. LPA-2514-2016 (O&M)

The Chief Medical Officer General Hospital, Bhiwani

.....Appellant

Versus

Mir Singh and another

.....Respondents

**CM-1194-1195-LPA-2016 and
CM-1977-1978-2279-2280-LPA-2018 and
CM-2954-LPA-2018 in/and
LPA-566-2016 (O&M) and connected cases**

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6. LPA-132-2017 (O&M)

The Chief Medical Officer General Hospital, Bhiwani

.....Appellant

Versus

Dalbir and another

.....Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR. JUSTICE SUDIP AHLUWALIA**

Present: Ms.Shubhra Singh, Addl.AG, Haryana for the appellant.

Mr.Balwinder Singh, Advocate for the respondents
in LPA-433 and 566 of 2016.

Mr.S.S.Mor, Advocate for the respondents in LPA-2513 &
2514-2016

Mr.S.K.Verma, Advocate for the respondents in LPA-428-
2016.

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SURYA KANT, J.(ORAL)

CM-1194-LPA-2016

For the reasons mentioned in the application, the same is
allowed and delay of 82 days in filing the appeal is condoned.

CM stands disposed of.

CM-1977-LPA-2018

Application is allowed subject to all just exceptions and
Annexures R-1 to R-2 are taken on record.

CM stands disposed of.

CM-2279-LPA-2018

Application is allowed subject to all just exceptions and
Annexure R-3 is taken on record.

CM stands disposed of.

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CM-2954-LPA-2018

Application is allowed subject to all just exceptions and affidavit of Raja Sekhar Vundru, IAS, Additional Chief Secretary to Government Haryana, Health Department, Chandigarh is taken on record.

CM stands disposed of.

Main case

Affidavit of R.R.Jowel, IAS, Additional Chief Secretary to Government Haryana, Health Department, Chandigarh with Annexures A-2 to A-20 is taken on record.

These Letters Patent Appeals are directed against the order dated 28.10.2015 passed by the learned Single Judge whereby the writ petition(s) challenging the Awards of the Labour Court have been dismissed in limine.

[2] Brief facts are being extracted from LPA-566-2016.

[3] Respondent No.1 (Sunita wife of Vijay Kumar) was appointed as a Dhobi on daily wages for a period of six months through a written contract which was extended from time to time. It appears that she uninterruptedly worked from July 07, 2009 to April 12, 2013 but thereafter her services were dispensed with. The first respondent raised an 'industrial dispute' for non-compliance of provisions of the Industrial Disputes Act, 1947 while retrenching her. The Industrial Tribunal-cum-Labour Court, Hisar, vide Award dated 08.08.2014 answered the reference in favour of 1st respondent and directed her re-instatement with continuity of service except

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back-wages as she had not worked during the intervening period.

[4] Learned Single Judge has up-held the Award under appeal.

[5] During the pendency of these appeals, the appellant-authorities have acted fairly and the first respondent and other workmen in the connected cases, have been reinstated in service on the same terms and conditions.

[6] The grievance of the first respondent and other workmen, however, is that they are not being paid salary/wages in regular pay scale and unwanted breaks are also caused in continuity of their services.

[7] It is true that the 1st respondent and/or the other workmen had been appointed on contract basis and they are required to serve on the same terms and conditions on which they were originally engaged. However, so long as the authorities are unable to replace the first respondent or other workmen by appointing regular hands or through any other transparent alternative arrangement, there appears to be no rhyme or reason either to cause any break or not to pay them wages uninterruptedly. The appeals are, thus, disposed of with a direction to the appellant-Authorities that the first respondent and other workmen in the connected cases be allowed to continue on daily wage/contractual basis without any break till their services are not required or they are replaced by regular incumbents or the authorities take a conscious policy decision for better alternative arrangement. The respondents shall be paid salary without any interruption and necessary sanction in this regard, if so required shall be accorded by the

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Finance Department.

Since the main case has been disposed of, there is no need to
pass separate orders in the CMs which have become infructuous.

**(SURYA KANT)
JUDGE**

August 14, 2018
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**(SUDIP AHLUWALIA)
JUDGE**

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| 1. Whether speaking/reasoned ? | Yes/No |
| 2. Whether reportable ? | Yes/No |