

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

LPA No. 493 of 2017 (O&M)

Date of Decision: 30.07.2018

The Management of M/s Panipat Coop. Sugar Mills Ltd.

.....Appellant

versus

Presiding Officer, Industrial Tribunal, Labour Court, Rohtak and another

.....Respondents

**CORAM: HON'BLE MR.JUSTICE KRISHNA MURARI, CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI, JUDGE**

Present : Mr. C.B.Goel, Advocate, for the appellant.

KRISHNA MURARI, C.J.(oral)

CM No. 1012-LPA of 2017

Heard. For the reasons mentioned in the application, delay of 15 days in re-filing the appeal is condoned. Application stands disposed of.

LPA No. 493 of 2017

This intra-court appeal under Clause X of the Letters Patent is directed against the judgment and order dated 17.12.2016 passed by the learned Single Judge dismissing the writ petition filed by the appellant.

2. Appellant-petitioner approached this Court by filing writ petition challenging the award passed by the Industrial Tribunal cum Labour Court dated 16.02.1994 allowing the claim of the respondent-workman of equal pay for equal work.

3. The dispute referred for adjudication by the Industrial Tribunal cum Labour Court was whether the workmen posted as Bottling Attendants mentioned in Annexure-A are entitled to the benefits of the facilities as provided to the regular workmen. The case set up by the respondent-workmen was that they are working with the appellant Management for the last 13 years as Bottling Attendant(s) but they were not given the same facilities like house rent, cycle allowance, washing allowance etc. It was further pleaded that they are being denied the benefit treating them to be casual employees only on the basis of illegal artificial breaks. The Industrial Tribunal after considering the case set up by the parties and the evidence adduced came to the conclusion that since they are discharging the same duties like other workmen, they are entitled to get the same benefits under the principle of equal pay for equal work. Aggrieved by the aforesaid decision, the appellant management preferred the writ petition.

4. Before the learned Single Judge the case set up by the appellant management was that the appellants are seasonal employees and thus they were not entitled to the same pay and allowances which were admissible to regular Bottling Attendant(s). Learned Single Judge while dismissing the writ petition and upholding that the respondents-workmen were entitled to the same pay and allowances under the principle of equal pay for equal work even if they were working on adhoc basis in view of the law laid down by the Hon'ble Apex Court in ***State of Punjab and others v. Jagjit Singh and others* JT 2016(1) SC 434**.

5. During the course of arguments, learned counsel for the appellant has failed to establish that the respondents-workmen were not discharging the same duties as that of regular Bottling Attendant(s). In the

absence of any distinction between the nature of the work done by the respondents-workmen and regular Bottling Attendant(s) they are entitled for the same benefits as are admissible to regular Bottling Attendant(s) under the principle of equal pay for equal work. The issue stands settled by the Hon’ble Apex Court in *Jagjit Singh and other(s) case* (supra) and thus we do not find any fault with the judgment of the learned Single Judge which may require any interference.

6. Appeal thus devoid of merits and accordingly stands dismissed.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

30.07.2018
ravinder

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