

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

LPA-130-2018

Date of Decision: December 06, 2018

Gurmeet Singh

...Appellant

Versus

Presiding Officer, Industrial Tribunal, Bathinda and others

...Respondents

and other connected appeals, i.e.

LPA Nos. 2221 of 2017, 112, 164, 264, 315, 576, 889, 895, 906, 937, 938, 939, 952, 971, 973, 1141, 1169, 1353, 1389, 1394 and 1495 of 2018 (O&M)

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

HON'BLE MR. JUSTICE ARUN PALLI, JUDGE.

Present: Mr. G.S. Bal, Senior Advocate, with
Mr. A.D.S. Bal, Advocate,
(in LPA Nos. 2221 of 2017 & 264 of 2018)
Mr. Pawan Kumar Goklaney, Advocate
(in LPA Nos.130, 112, 164 & 576 of 2018)
Mr. Khushpal Singh Dhanju, Advocate (in LPA-971-2018)
Mr. Manu K. Bhandari, Advocate (in LPA-1495-2018)
Mr. Harnek Singh, Advocate
(in LPA Nos. 315, 973 & 1169 of 2018)
Mr. R.K. Arora, Advocate (in LPA Nos. 889, 895, 906,
937, 938, 939, 952, 1141, 1353, 1389 of 2018)
Mr. Sherry K. Singla, Advocate (in LPA-1394-2018)
for the appellant(s)
Mr. Gurinder Singh Attariwala, Advocate,
for respondent No. 1 (in LPA Nos. 889, 895, 906, 937, 938 &
939 of 2018)
Mr. Guninder Singh Brar, Advocate
for respondent No. 1 (in LPA Nos. 1141 & 1389 of 2018)
Mr. Sanjeev Sharma, Advocate,
for respondent No. 1 (in LPA Nos. 2221 of 2017, 264 of 2018)
Mr. Harpal Singh Sirohi, Advocate
for respondent Nos. 2 & 3
(in LPA Nos.112, 130, 260, 576 of 2018)
Mr. Rajiv Sharma, Advocate,
for respondent No. 4 (in LPA Nos. 112, 130 & 164 of 2018)

KRISHNA MURARI, C.J. (ORAL)

In this bunch of 22 LPAs, arising out of a common judgment passed by the learned Single Judge, the issue involved for adjudication was entitlement of the writ petitioners' with respect to wages for working on Saturdays, which otherwise has been declared to be a holiday in the State of Punjab.

Admittedly, the appellants/writ petitioners' are employees of different local bodies, such as Punjab Mandi Board, Punjab State Power Corporation Limited (PSPCL), different municipal councils/committees and also State of Punjab. Learned Single Judge clubbed all the petitions together and decided them by a common judgment, allowing the writ petitions filed by the employers, rejecting the claim of workmen/employees.

It is contended before us that in some of the cases the entitlement for being paid wages for working on Saturdays attained finality *inter se* between the parties right up to the Apex Court and the matter had gone before the Labour Court under Section 33-C(2) of the Industrial Disputes Act, 1947 (for short, 'the Act'), for computation of wages to be paid. Similarly, in some of the matters the judgment of this Court holding the employees entitled for payment of wages for working on Saturdays also attained finality and in those cases also the matter before the Labour Court, under Section 33-C(2) of the Act, was only in respect of computation of wages to be paid. There was no issue of entitlement in those cases as the same *inter se* between the parties had attained finality. It is contended on behalf of appellants that learned Single Judge failed to take note of this fact and, thus, the impugned judgment suffers from patent error of law apparent on the face of record.

All the learned counsel for the appellants are in unison that the matter ought to have been considered and decided by the learned Single Judge individually without clubbing them together because the factors relevant for adjudicating the entitlement are different in case of different

employers. Similarly, the matters where entitlement had attained finality the award made under Section 33-C(2) of the Act were liable to be considered on entirely different considerations. The clubbing of all the matters and disposal thereof by a common judgment has not only led to a situation of utter confusion but non consideration of relevant facts of specific case, as such, the judgment passed by the learned Single Judge is not liable to be sustained and the same is hereby set aside. All the matters stand remitted back to the learned Single Judge with a request to segregate them and decide individually in terms of each employer.

The parties to appear through counsel before the learned Single Judge on 17.12.2018.

With the aforesaid observation and direction, all the appeals stand finally disposed of.

A photocopy of this order be placed on the files of connected matters.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

December 06, 2018

Pk Kapoor

Whether Speaking/Reasoned: YES / NO

Whether Reportable: YES / NO