

CWP No.1364 of 2019 -1-

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

CWP No.1364 of 2019 (O&M)

Date of decision : 18.1.2019

Pauli Devi and others

...Petitioners

Vs.

Sant Nischal Public School & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Anmol Verma Khajwaniya, Advocate,
for the petitioners.

RAJIV NARAIN RAINA, J. (ORAL)

1. The three petitioners and the 5th respondent worked as Sweeper and Peons in a School run by respondents No.1 to 3. The services of all four were terminated on 29.07.2008. Sonu and Jai Singh-petitioner No.3 raised separate disputes, which led to Reference No.125 of 2010 and Reference No.127 of 2010 respectively, while the disputes of petitioners No.1 and 2 were referred to the Labour Court later in the year 2011. The awards were passed in the case of petitioners No.1 to 3 on 29.11.2012, 31.12.2012 and 29.01.2013 respectively by the same Presiding Officer of the Labour Court. Their termination was held to be illegal by the Presiding Officer, Labour Court, Ambala and were awarded reinstatement with continuity of service, but with 50% back wages. However, the case of Sonu – respondent No.5 has been decided by the Labour Court on 23.01.2017 awarding reinstatement with continuity of service and full back wages. The petitioners say that they came to know of the award passed in Sonu's case in September 2018 and they applied for a copy of the award. After receiving

the certified copy, they have preferred this petition claiming that they should also be given relief in the same terms as in the award of Sonu i.e. full back wages. The plea is based on discrimination. Learned counsel contends that all four work for the same management in Class IV service. Therefore, they deserve parity of treatment on par with the award passed in favour of Sonu on 23.01.2017.

2. The Labour Court is a court of fact it is not a court of record. They do not render binding decisions. Relief granted in one case is not comparable to relief granted in another case, may be in the same Institution. Labour Courts' awards do not create precedents to be followed in another case. The plea of 'equal pay for equal work' pressed by the petitioners in the present setting is no longer tenable when the awards in favour of petitioners No.1 to 3 have attained finality with the workers remaining satisfied with their awards made about 5 years ago by the predecessor labour court. If they felt aggrieved with award of 50% back wages, they could have challenged those awards in appropriate proceedings. Merely, because Sonu has obtained an award with full back wages, it would not make a ground for reopening their awards on a plea of discrimination. It is also not known whether the management has challenged the award in the case of Sonu.

3. I would regard it as rather unfair and inequitable to wake up the management after 5-6 years have passed by and rights settled by the principle of res judicata to answer a plea for modification of their awards passed in the years 2012 and 2013 so as to enhance the back wages in terms of Sonu's award. If such a plea was accepted, no award or judicial order would ever achieve finality and therefore, I have no occasion to entertain this petition in exercise of discretionary jurisdiction under Article 226 of the

Constitution.

4. The petition is, therefore, dismissed for the above reasons.

18.01.2019

Meenu/Vimal

(RAJIV NARAIN RAINA)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes