

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

**LPA-913-2019**

**Date of Decision: July 24, 2019**

**Babu Lal**

**...Appellant**

**Versus**

**Sub Divisional Engineer, Sub Division Horticulture, PWD (B&R),  
Ludhiana and others**

**...Respondents**

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

**Present: Mr. D.R. Punia, Advocate,  
for the appellant.**

**KRISHNA MURARI, C.J. (ORAL)**

This intra Court appeal, under Clause X of the Letters Patent, is directed against the judgment and order dated 02.08.2018, passed by the learned Single Judge allowing the petition filed by the petitioner (respondent No. 1 herein), whereby the order dated 01.02.2016, passed by the Industrial Tribunal, Bathinda (for short, 'the Tribunal'), allowing the claim of the workmen for wages for working on Saturdays, was set aside.

Facts giving rise to the dispute are limited.

The appellant was employed as a field staff with the respondent department on regular basis and an application under Section 33-C(2) of the Industrial Disputes Act, 1947, was moved before the Tribunal, contending that since with effect from 07.04.1980, Punjab Government has adopted five days a week for its employees and ever since the issuance of said notification, all the State Government employees,

except the workmen, were enjoying two weekly off on Saturday and Sunday. Whereas, he was being allowed only one weekly off thereby denying him the benefit of five days a week and accordingly arrear of wages for having been made to work on Saturdays was claimed. The proceedings were contested by the department on various grounds. The Tribunal vide judgment and order dated 01.02.2016, allowed the claim of the workmen, which was challenged in the writ petition by the respondents herein.

Learned Single Judge finding that the notification issued by the Punjab Government with regard to its employees, on which reliance was being made, was applicable only to the office staff or employees working in the office and was not applicable to the employees working in the field. There is no dispute about the fact that the appellant herein was working as a field staff and was claiming parity with the employees who are working in the offices of the State Government. Learned Single Judge also took notice of the fact that no member belonging to the cadre of the workmen was ever granted the benefit of Saturdays and Sundays. Accordingly, since the workmen never worked in the office, as such, they were not required to work only five days a week with two off. Learned Single Judge also placed reliance upon a Division Bench judgment of this Court, rendered in **Nagar Council, Samrala v. Ram Sanjeevan and others** (LPA No. 1178 of 2015, decided on 26.04.2016), wherein in an identical situation the view taken was that since none of the employees in the cadre of workmen were working in the office, rather they were working

in the field, hence, could not equate themselves with the office staff, and, thus, there was no discrimination.

We see no reason to take a view different than the one taken by the learned Single Judge while relying upon a Division Bench judgment in the matter of **Ram Sanjeevan (supra)**, which was rendered in identical facts and circumstances. Even during course of arguments, learned counsel for the appellant has failed to point out any rule or regulation which requires him to work only for five days in a week. Likewise, he also failed to demonstrate that his cadre can be equated with the office staff. Thus, there is no infirmity in the view taken by the learned Single Judge. The notification upon which reliance has been placed by the appellant, is not applicable in his case.

In view of above, the impugned judgment and order passed by the learned Single Judge does not require any interference. Accordingly, the appeal fails and stands dismissed.

**(KRISHNA MURARI)**  
**CHIEF JUSTICE**

**(ARUN PALLI)**  
**JUDGE**

**July 24, 2019**

Pkapoor

Whether Speaking/Reasoned: YES / NO  
Whether Reportable: YES / NO