

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

1. **LPA No.360 of 2018(O&M)**
Date of decision: 19.03.2019

Civil Surgeon, Patiala ... Appellant

Versus

Karam Singh and another ... Respondents

2. **LPA No.361 of 2018(O&M)**

Civil Surgeon, Patiala ... Appellant

Versus

Arjan Singh and another ... Respondents

3. **LPA No.392 of 2018(O&M)**

Civil Surgeon, Patiala ... Appellant

Versus

Ajaib Singh and another ... Respondents

4. **LPA No.438 of 2018(O&M)**

Civil Surgeon, Patiala ... Appellant

Versus

Balbir Singh and another ... Respondents

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

Present: Mr. Avinit Avasthi, Assistant Advocate General, Punjab,
for the appellant(s).
Mr. Ravi Gakhar, Advocate,
for respondent No.1.

ARUN PALLI, J (Oral)

These are intra-court appeals, under Clause X of the Letters Patent, against a common order and judgment dated July 25, 2017, rendered by the learned Single Judge, vide which the writ petitions preferred by the appellant(s) against the orders passed by the Labour Court awarding the claims of the respondent-workmen under Section 33(C)(2) of the Industrial Disputes Act, 1947, have since been dismissed. However, the facts are being derived from LPA No.360 of 2018 (**Civil Surgeon, Patiala v. Karam Singh and another**).

In brief, the case set out by the respondent-workman before the Labour Court was that he was appointed as Health Assistant and was working as such for the past about 30 years. In terms of letter No.1/2/7/97-2 FPI/1626 dated 02.03.1998, the Government had doubled the Fixed Local Travelling Allowance (LTA) w.e.f. 01.09.1997, and the respondent-workman being covered therewith was entitled to LTA @ Rs.240/- per month w.e.f. 01.09.1997 to 31.12.2008 amounting to Rs.34,800/- along with interest.

As opposed to this, the appellant-department pleaded in defence that although the workman was appointed as Health Assistant, but as the rat mashing policy was abolished, the post of Health Assistants was merged with the Field workers, who in terms of the orders issued by Director, Health Services, Punjab, were not entitled to any LTA.

Upon a consideration of the matter and the evidence on record, the Labour Court reached a conclusion that not only the workman had duly proved that he was appointed as Swasth Sahayak with the appellant-department, but this fact was even conceded by their witness Dr. Kiran

Kumar Verma (MW1). Not just that, he also testified in his cross-examination that respondent-workman was working as Swasth Sahayak in terms of his appointment letter. Indisputably, vide instructions dated 02.03.1998, the Government had doubled the Fixed Local Travelling Allowance from 01.09.1997 and again Dr. Kiran Kumar Verma (MW1) admitted in his statement that in terms of the said instructions, Swasth Sahayaks, Auxiliary Nursing Midwife (ANM) and Trained Dais were given FTA. The plea set out by the appellant-department that since the posts of Health Assistants were merged with the Field Workers in terms of the orders issued by the Director, Health Services, Punjab, and since Field Workers were not entitled to any FTA and, therefore, claim of the respondent-workman was erroneous, also remained unsubstantiated for lack of any evidence. That being so, the respondent-workman having been appointed as Swasth Sahayak/Swasth Sahak, and being covered under the instructions/notification Ex.W1/Ex.M3 was entitled to LTA. Accordingly, vide order dated 29.02.2016, the Labour Court granted his claim and directed the appellant-department to pay a sum of Rs.34,800/- to the respondent-workman. Even, the learned single Judge upon a consideration of the matter and material on record concluded that appellant had failed to make out a case to warrant any interference with the order rendered by the Labour Court.

On being pointedly asked, learned State counsel failed to show as to how the conclusions arrived at by the Labour Court as also the learned Single Judge were either contrary to the record or suffered from any material illegality.

In the wake of the above, we too are dissuaded to interfere with the impugned judgment, thus, the appeals being devoid of merit are accordingly dismissed.

(Krishna Murari)
Chief Justice

(Arun Palli)
Judge

19.03.2019
Rajan

Whether speaking / reasoned:	YES
Whether Reportable:	NO