

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

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CWP No.7342 of 2022 (O&M)
DATE OF DECISION: 07th APRIL, 2022

Hasanpura Prahota CHBS Ltd.

.... Petitioner

Versus

Industrial Tribunal, Patiala and another

.... Respondents

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. P.S. Punia, Advocate for the petitioner.

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RAJBIR SEHRAWAT, J. (Oral)

This is a petition filed under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of Certiorari for quashing of impugned order dated 19.10.2021 (Annexure P-1).

As per the record, it is not even in dispute that respondent No.2 was the employee with the petitioner-society for a long time. Even, the factum of non-payment of wages, as per the established entitlement of respondent No.2 is not disputed. Rather, this fact has duly been established by the material on record before the Labour Court.

In view of this situation, the Labour Court has not committed any illegality in passing the order in favour of respondent No.2 qua the payment of salary.

Although the counsel for the petitioner has submitted that in some different proceedings, this Court had directed the Registrar to pass an order regarding the claim of respondent No.2 and thereupon the

Registrar had passed the order for liberally granting loans by the Housefed, Punjab to the petitioner-society, and that aspect has not been considered by the Labour Court, however, this argument is totally irrelevant. The source from where the petitioner-society arranges the funds is not the concern of respondent No.2 in the matter of his salary. Either he is in service or he is not. If he is in service, he is entitled to receive the salary as per the entitlement; which had been crystallized by none other than the petitioner-society. Any other and ancillary proceedings cannot have any effect upon the claim of respondent No.2. Therefore, the Labour Court was not even under any obligation to consider anyone of those aspects.

In view of the above, finding no merit in the present petition, the same is dismissed.

The pending miscellaneous application, if any, is also disposed of as such.

07th APRIL, 2022
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(RAJBIR SEHRAWAT)
JUDGE

Whether speaking/reasoned: *Yes* *No*

Whether Reportable: *Yes* *No*