

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

CR-6665-2019 (O&M)

Date of decision: 12.12.2022

Davinder Singh

....Petitioner

Versus

Secretary, Punjab State Electricity Board and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. B.D.Sharma, Advocate for the petitioner

ANIL KSHETARPAL, J (Oral)

1. Challenging the correctness of the Civil Judge's order dated 29.07.2019, the present revision petition has been filed. The Executing Court has disposed of the execution petition after noticing that the petitioner is being paid the regular pay scale for the post of a Welder from 12.12.1996, the day on which his services were regularized.

2. Heard the learned counsel representing the petitioner at length and with his able assistance perused the paperbook.

3. Learned counsel representing the petitioner, while referring to the award dated 14.02.1994, passed by the Industrial Tribunal, Punjab, contends that the petitioner is entitled to the regular pay scale from the date of judgment i.e 14.02.1994 and not from 12.12.1996.

4. This Court has considered the submission of the learned counsel. An industrial dispute at the behest of the petitioner was referred to the Industrial Tribunal, Punjab. In that case the petitioner claimed that he was working as a Welder but he has not been paid his wages as a

Welder. The Tribunal held that the petitioner is working as a Welder, hence, is entitled to the grade of Welder from the date of order. At that time, the petitioner was working on work charge basis.

5. The Supreme Court in a petition filed by the respondent has held that the petitioner shall be the entitled to wages and other emoluments, which a regular Welder gets from the date of such regularization. The order dated 03.11.1997 is extracted as under:-

“It is stated by the learned counsel for the Punjab State Electricity Board that the respondent has since been regularized as a Welder, he will be entitled to get the wages and other emoluments which a regular Welder gets from the date of such regularisation. The petition is accordingly disposed of.”

6. Admittedly, the services of the petitioner have been regularized as a Welder w.e.f 12.12.1996. In such circumstances, the petitioner has correctly been paid the regular pay scale from the date of his regularization in the service. Prior thereto, the petitioner has already been paid as Welder on the work charge basis. Hence, no ground to interfere is made out.

7. Dismissed.

8. All the pending miscellaneous applications, if any, are also disposed of.

12.12.2022

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE