

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

RSA No.4644 of 2018 (O&M)

Date of Order:18.10.2023

Pepsu Road Transport Corporation and another**.Appellants****Versus****Balbir Singh and another****..Respondents****CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL**

**Present: Mr. Vishal Moudgil, Advocate
for the appellants.**

ANIL KSHETARPAL, J

1. In this second appeal, the correctness of the concurrent findings of fact arrived at by the courts below is assailed by the defendant (Pepsu Road Transport Corporation).

2. The respondent (plaintiff before the trial court) filed a suit for grant of mandatory injunction directing the respondents to pay his entire dues while setting aside the deduction made on account of higher consumption of diesel while driving the bus.

3. The respondent was employed through the S.S.S Provider, Patiala, as a driver to drive the bus owned by the appellant-Corporation(PRTC). In the year 2011, the Managing Director of the appellant-Corporation issued instructions that if the fuel consumption of the bus is higher than the limit provided in the instructions, the amount shall be deducted from the salary of driver. In this case, the deductions were made from the salary in the year 2004.

4. The learned counsel representing the appellants admits that there were no instructions before 2011, to this regard.

5. Both the courts have decreed the suit while directing the appellant-corporation to pay the deducted amount to the respondent three years prior to the filing of the suit.

6. The learned counsel representing the appellants submits that there was no privity of contract between the respondent and the appellants-Corporation and the amount, if any, was payable to the S.S. S.Provider and not to the respondent.

7. This Court has considered the submissions of the learned counsel representing the appellants.

8. It is evident that the respondent was engaged through a service provider. According to his contract, he was to be paid the contractual charges which were never fully paid. Moreover, it is not disputed that before 2011, there were no instructions from the Managing Director in this regard.

9. Keeping in view the aforesaid facts and discussion, no ground to interfere is made out.

10. Dismissed.

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

October 18, 2023
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

:YES/NO
:YES/NO