IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

LPA-1506-2023 (O&M)
Date of decision: 20.10.2023

Ram Rati **....Appellant.**

Versus

Municipal Council, Panipat and another **...Respondents.**

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CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL
HON'BLE MRS. JUSTICE SUKHVINDER KAUR

.....

Present: Mr. Shivam Malik, Advocate
for the appellant.

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DEEPAK SIBAL, J. (Oral)

Through the present Intra Court Appeal, the appellant assails the order dated 11.09.2023 passed by a learned Single Judge of this Court allowing the writ petition filed by respondent No.1-Municipal Council, Panipat (for short, the MC) through which the MC had challenged the award dated 20.10.2000 passed by the Industrial Tribunal-cum-Labour Court, Panipat (for short, the Labour Court).

2. The undisputed facts are that through a common award dated 20.10.2000, the Labour Court decided 25 references. All the references which were based on similar facts were decided in favour of the 25 workmen. The appellant was one of such workmen. The MC challenged the award of the Labour Court before this Court through 25 separate petitions. Through a common judgment dated 10.09.2007, matters pertaining to 14 of the 25 workmen were taken up and decided by a Division Bench of this

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Court. The lead case in this bunch of petitions was ***CWP-8365-2001—Municipal Council, Panipat Vs. Jagbir and another***. The Division Bench was of the view that the appointment of all the respondent-workmen was illegal and therefore, vested no right in them to even question their termination on the ground of violation of Section 25-F of the Industrial Disputes Act, 1947, resulting in the setting aside of the award of the Labour Court. Special Leave to Appeal (Civil) No(s).634-643/2008—Jagbir and others Vs. Municipal Council, Panipat, challenging the judgment of the Division Bench dated 10.09.2007 was also dismissed by the Supreme Court on 25.01.2008.

3. Learned counsel for the appellant fairly states that the facts in the case of the appellant are not distinguishable from the facts in the case of the abovesaid 14 workmen as the mode and manner of their appointment was similar to that of the appellant. However, he submits that equity favours the appellant as under the interim order passed by the learned Single Judge, the appellant had been reinstated and has thereafter served the MC for 21 years. Therefore, at this stage, he be allowed to continue in service till his superanuation.

4. In the light of the afore admission, the case of the appellant is squarely covered against him by the judgment of a Division Bench of this Court in Jagbir Singh's case (supra) which judgment had also been upheld by the Supreme Court.

5. The prayer made on behalf of the appellant for granting him relief on the ground of equity also needs to be rejected as it stands duly established that the appellant's initial appointment was illegal and therefore,

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he had no right to even hold the post in question. Even otherwise, a perusal of the interim order, on which the appellant relies, reveals that the appellant's reinstatement was specifically ordered to be subject to further orders to be passed in the MC's petition. Thus, his reinstatement was conditional. Therefore, equity, if any, in the appellant's favour cannot be translated into a right.

6. Dismissed.

7. All pending applications, if any, also stand disposed of accordingly.

(DEEPAK SIBAL)
JUDGE

(SUKHVINDER KAUR)
JUDGE

20.10.2023
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Whether speaking/reasoned? : Yes/ No
Whether reportable? : Yes/ No

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