

CWP-14358-2000 1

2024:PHHC:136011



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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-14358-2000

Date of Decision: 18.10.2024

STATE OF PUNJAB & ANR.

..... Petitioners

Versus

THE WORKMAN THROUGH PRESIDENT, CITU UNION
PATHANKOT & ORS.

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Ramandeep Singh, Sr. DAG, Punjab.

Mr. Kanwaljit Singh, Sr. Advocate with
Mr. K.S. Brar, Advocate
for the respondents.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioners through instant petition under Articles 226/227 of the Constitution of India are seeking setting aside of Award dated 22.02.2000 (Annexure P-11) whereby Labour Court has ordered to pay uniform and washing allowance to respondent-workers.

2. This Court vide order dated 19.10.2000 admitted the matter on limited question i.e. whether enhanced uniform and washing allowance could be extended to workers from retrospective date. The order dated 19.10.2000 reads as under:

“Heard learned counsel for the petitioners.

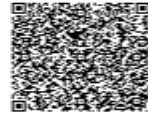
The Industrial Tribunal, Punjab, has taken note of the admission made by the management that uniform allowance is being given to all the employees of the project from the lower category to the rank of technical supervisor, and that washing allowance is



given to drivers and Class IV employees, i.e., Beldars and T. Mate, and held that there was no rationale for giving the washing allowance only to drivers and class IV employees in the project. He took note of the award passed in the previous case regarding uniform allowance. Ultimately, the Tribunal has come to the conclusion that the workmen are entitled to uniform allowance at the rate of Rs. 100/- per month and the washing allowance at the rate of Rs. 30/- per month.

Of course, it has taken note of recommendations of the 4th Punjab Pay Commission also. Learned counsel for the petitioners contends that the Pay Commission has not recommended the payment of such allowances to the workmen in question. But that is not the only point which has influenced the Presiding Officer of the Industrial Tribunal, Punjab, to come to the conclusion, but as pointed out already, he has taken into consideration the other aspects also. Therefore, we find no justification for interfering with the award passed by the Presiding Officer, Industrial Tribunal, Punjab in so far as grant of uniform allowance and washing allowance is concerned. The Industrial Tribunal has also directed that it should be paid from 1.1.1996 and 1.4.1996 respectively, whereas the learned counsel for the petitioners points out from Annexure P-1 (Statement of Claims) that the demand has been made only on 22.7.1999 and therefore, the benefit should not have been given from 1.1.1996. Therefore, this writ petition is admitted only with regard to the retrospective operation given to the award from 1.1. 1996 and 1.4.1996 respectively as mentioned above. In other aspects, it is dismissed.”

3. The petitioner preferred CM No.2790 of 2006 seeking stay of operation of impugned award to the extent of liability for the period



from 1996 to 1999. The said application was allowed. The order dated 16.03.2007 is reproduced as below:

“The challenge in the present writ petition is to the award dated 22.2.2000, whereby the management-petitioner was directed to pay uniform allowances to the workmen of all categories of regular and work-charged employees w.e.f. 1.1.1996 and washing allowances to all the categories of workmen w.e.f. 1.4.1996. The writ petition came up for hearing before the Division Bench of this Court on 19.10.2000. The writ petition was admitted to the limited extent of grant of retrospective operation to the award from 1.1.1996 and 1.4.1996, in view of the fact that the statement of claim demanding the said allowances was filed on 22.7.1999. An application filed by the workmen to vacate the said order was dismissed by the Division Bench vide order dated 15.11.2001.

Now, the present application has been filed by the petitioner seeking stay of the implementation of the award w.e.f. 1.1.1996 and 1.4.1996 i.e. prior to raising of demand.

The writ petition has been admitted on a specific question. Prima facie, I find that since the demand in respect of such allowance was made only on 22.7.1999, therefore, it would be appropriate to stay implementation of the award to the extent granting allowance from 1.1.1996 and 1.4.1996 till 22.7.1999 i.e. the date of the demand notice.

CM stands disposed of accordingly.”

4. Mr. Kanwaljit Singh, Sr. Advocate submits that respondent has granted uniform and washing allowance to other employees and respondents herein have been discriminated. The petitioner further with respect to its another project namely Anandpur Sahib Hydel Project, in



compliance to award passed by Labour Court, has extended benefit of uniform and washing allowance to similarly situated employees. The Punjab Government accepted recommendations of 4th Pay Commission and in terms of recommendations of 4th Pay Commission, uniform and washing allowance was allowed to different employees, however, workers herein were deprived from said benefit which compelled them to approach Labour Court.

5. Mr. Ramandeep Singh, Sr. DAG, Punjab submits that 4th Pay Commission did not allow enhanced uniform as well as washing allowance to workers herein. It is Labour Court which has allowed enhanced uniform and washing allowance to workers. The demand notice was served on 22.07.1999, thus, there was no reason to extend aforesaid benefit w.e.f. 01.01.1996.

6. I have heard arguments of learned counsel for both sides and perused the record with their able assistance.

7. The petitioner has challenged the validity of impugned award, however, writ petition was admitted on the limited issue i.e. retrospective extension of benefit of uniform and washing allowance. The Labour Court has extended benefit w.e.f. 01.01.1996 (uniform allowance) and 01.04.1996 (washing allowance) because from the said dates enhanced uniform and washing allowance was extended to other employees. The 4th Pay Commission did not recommend uniform and washing allowance to workers herein. They were granted uniform and washing allowance by Labour Court. They, at the time of filing demand notice, were getting aforesaid allowances at lower rate, in terms of orders of Labour Court. The State Government or Pay Commission did not



recommend for uniform and washing allowance to workers herein, thus, it would not be appropriate to grant enhanced allowance prior to demand notice served by them. The demand notice was served on 22.07.1999, thus, it is not just and fair to grant them benefit from the date from which they did not claim. The grant of similar benefit to other employees w.e.f. 01.01.1996 does not automatically entitle workers herein. They raised demand on 22.07.1999, thus, they are entitled to benefit from the said date.

8. In the wake of above discussion and findings, the impugned award is modified to the extent that workers herein are entitled to benefit of uniform and washing allowance w.e.f. demand notice i.e. 22.07.1999.

9. Disposed of in above terms.

(JAGMOHAN BANSAL)
JUDGE

18.10.2024
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Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>