

CWP-15540-1998 (O&M) and
CWP-769-2006(O&M)

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2024:PHHC:122340



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(102)

CWP-15540-1998 (O&M)
Date of Decision : 17.09.2024

Sham Sunder

...Petitioner

Versus

State of Punjab

...Respondent

(102/2)

CWP-769-2006(O&M)

Sarwan Singh and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: None for the petitioner in CWP-15540-1998.

Mr. Ranjivan Singh, Advocate with
Mr. Risham Raag Singh, Advocate for the petitioners
in CWP-769-2006.

Mr. Arun Gupta, Deputy Advocate General, Punjab.

Harsimran Singh Sethi J. (Oral)

1. By this common order, two writ petitions, the details of which have been given in the heading, are being decided as both these petitions involve the same question of law on similar facts.
2. At the outset, learned State counsel on instructions from Mr. Bhagat Singh, Senior Assistant, Department of Irrigation, Punjab, submits that reply filed by respondent No. 2 in CWP No. 15540 of 1998 be also



treated as reply on behalf of respondents No. 1 and 3 in the said writ petition.

The request is allowed.

3. In the present petitions, the grievance of the petitioners is that they are entitled for the grant of ad-hoc bonus for the years 1992-1993, 1993-1994, 1994-1995, 1995-1996 and 1996-1997 despite the fact that they were working on ad-hoc basis keeping in view the fact that the petitioners were in service, hence, were entitled for the grant of the same.

4. Learned counsel for the petitioners submits that some of the similarly situated employees, who were also working under the Satluj Yamuna Link Canal Project, Punjab (hereinafter referred to as 'S.Y.L. Project'), have been paid the bonus, hence, the non-grant of the bonus to the petitioners for the years 1992-1993, 1993-1994, 1994-1995, 1995-1996 and 1996-1997 is arbitrary and illegal and the respondents are directed to grant the petitioners the said bonus along with arrears.

5. Upon notice of motion, the respondents have filed the reply, wherein, they have mentioned that the S.Y.L. Project came to a standstill and there was no work being executed keeping in view the various difficulties which came along for the implementation of the said project. Respondents submitted that the services of the petitioners were terminated as there was no work but they are continuing under the orders of the Court. With regard to the grant of certain benefits to the employees, who were working in the S.Y.L. Project, the respondents have stated that while working on S.Y.L. Project, no employee was given but certain employees who are earlier working in the S.Y.L. Project, were transferred to the other works and they were paid only for that period they worked in other projects.



6. I have heard learned counsel for the parties and have gone through the record with their able assistance.

7. It has already come on record that no work in the S.Y.L. Project was being carried out after the year 1991-1992. The same was for the reason that certain difficulties were being faced for the implementation of the said project. Further, it has already come on record that the petitioners were working under the orders of the Court despite the fact that there was no work and they were not performing any duty but were getting paid keeping in view the fact that the State was restrained from terminating the services of the petitioners.

8. Once, it has already come on record that the petitioners were not performing any duties but were being paid due to the orders passed by the Court not to terminate their services, the ad-hoc bonus cannot be claimed by the petitioners. The ad-hoc bonus was only given to the employees, who were working and performing the duties for the State of Punjab.

9. With regard to the averment that certain employees who were working in the S.Y.L. Project have been paid including some of the petitioners. It may be noticed that as per the reply filed, as there was no work in the S.Y.L. Project, certain employees were transferred to the other project in Jalandhar and while they were working on those project, the benefit of ad-hoc bonus has been given for the respective years where they have discharged their duties. The said averment has gone unrebutted at the hands of the petitioners, hence, the discrimination being claimed by the petitioners is not well founded.



10. Even otherwise, the S.Y.L. Project was being executed by the State of Punjab, State of Haryana as well as Government of India. The payments which were to be made to the employees working under the S.Y.L. Project is to be made in a proportionate manner by all the three i.e. Union Government, Government of Punjab and Government of Haryana.

11. In the present petitions, neither the Government of Haryana nor Union of India has been impleaded, hence, no order can be passed against the said entities.

12. Keeping in view the facts mentioned here-in-before, no ground is made out for any interference in the present petitions.

13. Dismissed.

14. Pending miscellaneous application, if any, also stands disposed of.

15. A photocopy of this order be placed on the file of connected cases.

September 17, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No