



111 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

LPA-1350-2023 (O&M)
Date of decision: 13.08.2024

Jasdev Singh

...Appellant

Vs.

Director, State Transport, Punjab,
Chandigarh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE
HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Harpal Singh Sirohi, Advocate
for the appellant.

ANIL KSHETARPAL, J.

CM-3455-LPA-2023 & CM-3456-LPA-2023

1. For the reasons stated in the applications, which are duly supported by the affidavits, delay of 166 days in filing and 468 days in refilling is condoned.

2. The applications stand allowed.

Main case

1. By filing this intra Court appeal, the appellant assails the correctness of the learned Single Judge's order passed on 30.07.2019, which in turn has upheld the order passed by the Labour Court on 19.10.2016.

2. Learned counsel representing the appellant submits that the appellant was appointed as a Blacksmith on daily wages, however, his services



were regularized as Washer Boy because of the fact that the appellant had on previous occasion gone to the Court. He submits that the Labour Court as well as the learned Single Judge have erred in dismissing his claim.

3. This Bench has considered the submission while analyzing the arguments put forth by the learned counsel representing the petitioner.

4. Originally, the appellant was alleged to have been appointed as a Blacksmith on 01.01.1980 on a daily wage basis with the Punjab Roadways. His services were terminated in the year 1984, and the termination order challenged before the Labour Court. On 05.01.1995, the Labour Court ordered reinstatement with 30% back-wages from the date of demand notice i.e. 29.05.1991. He was accordingly reinstated on 10.04.1995 on the post of Blacksmith. He was offered a regular post of Washer Boy against a vacant post in the year 1988 by the Committee Constituted by the Director, State Transport Department. The appellant accepted the offer vide his affidavit dated 04.10.1991. He filed an application under Section 33C(2) of the Industrial Disputes Act, 1947 for calculation of wages, which was allowed on 06.09.1999 with direction to pay the difference in the amount as the appellant was claiming that he was entitled to wages as were being paid to him before termination. However, the appellant filed a writ petition in the High Court, which was allowed on 31.05.2005. Thereafter, the Labour Court vide order dated 26.08.2009 held that the workman is entitled to receive Rs.34,848/- alongwith interest @12% per annum on the said amount from 06.09.1999, till realization.

5. In the meanwhile, the appellant continued to work as a Washer Boy. He never disputed his regular appointment in the year 1988. He also filed



an affidavit on 12.01.2007, for claiming benefits under Assured Carrier Progression Scheme against the post of Washer Boy. For the first time in the year, 2011, the appellant sent demand notice claiming that he was entitled to regular post of Blacksmith, which was rejected on 19.10.2016 by the Industrial Tribunal-cum-Labour Court. The writ petition filed by the petitioner was also dismissed. Thus, it is evident that the appellant accepted the regular post of Washer Boy in the year 1999. He filed an affidavit on 04.10.1999, accepting the post of Washer Boy on regular basis. In 2007, once again, he claimed benefits under Assured Carrier Progression Scheme against the post of Washer Boy. For the First time, demand notice through its workers union was sent by the appellants on 12.09.2011, after having worked against the regular post of Washer Boy for 13 years.

- 6. In the aforesaid circumstances, there is no scope for interference.
- 7. Hence, the appeal stands dismissed.
- 8. All the pending miscellaneous applications, if any, are also disposed of.

(ANIL KSHETARPAL)
JUDGE

(SHEEL NAGU)
CHIEF JUSTICE

13.08.2024
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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No