

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

231

CWP-11811 of 2016

Date of Decision: 24.05.2024

THE DIRECTOR STATE TRANSPORT PUNJAB AND ANR

.... Petitioner

Versus

SATPAL (WORKMAN) AND ANR

.... Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Amit Chaudhary, DAG, Punjab.

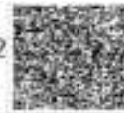
Mr. Vishal Sodhi, Advocate for respondent No.1.

SANJAY VASHISTH, J.(Oral)

1. Present writ petition has been filed by (i) The Director State Transport Punjab, Jeevan Deep Building, Chandigarh; (ii) The General Manager, Punjab Roadways Tarn Taran, challenging the award dated 02.09.2015 (Annexure P-3), passed in reference No.R-12 of 2010, whereby petitioner(s)-Management was directed to regularize the services of respondent No.1-workman from the date of publication of the previous award dated 27.04.2004.

Learned Labour Court also directed to fix the responsibility of the officers, who did not consider the case of regularization for such a long time.

2. Pleaded case of the workman was that he was employed with the Management as 'Washing Boy' w.e.f January 1986 and



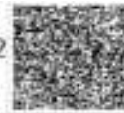
despite working for more than 25 years, he is still being termed as daily wager. Further pleaded that the employees junior to the workman had already been regularized, whereas he is discriminated without any reason.

3. In the written statement filed by the Management, it was pleaded that the working of the workman as 'Washing Boy' is admitted, however, the allegation of causing of discrimination was denied. Infact, the Management pleaded that the workman was not appointed in service as per prescribed rules and was not employed through employment exchange or selected by the Department Committee.

4. On leading of the evidence by both the sides, learned Labour Court considered the argument of the workman, which is based on the issues considered by Hon'ble Apex Court, in its judgment, titled as, 'Gujarat Agricultural University Vs. Rathod Labhju Bechar', 2001(2) SCT 394.

For reference, relevant findings recorded by learned Labour Court in paragraphs No. 13 and 14 of the award is reproduced herebelow:

“13. The present reference is a glaring example that how a poor person of this country is being treated by the management/department. The worker is working from the last 29 years only as a daily wager and this fact is admitted by the management in the present reference. Despite 29 years of service, he has not been made



permanent and he is only given salary at D.C. rate. This shows that how a poor person is being exploited in this country.

14. Previously, the workman filed a reference in the year 1997 and that was decided after a long period of eight years on 13.2.2004 and copy of that award Ex. W2 is on the file. Vide this award, workman was to be reinstated with continuity of service and 208 of back wages from 7.9.1988. Admittedly, the workman was reinstated in the year 2005 on the basis of this award. No writ was filed against this award before the Hon'ble High Court by the management. Even Smt. Gurtmit Kaur MWL, only witness examined by the transport management, has stated in her affidavit that the workman was engaged on 1.9.1987 i.e. 28 years back. Even in 28 long years, the workman was not regularized. It is not possible that no one was reinstated by the management in these 28 years on regular basis as a Washing Boy. Senior officers, sitting in the helm of affairs, never bother to know the ground reality of the workers, who are working under their control. Nobody ever care, of the poor people of this country like the present workman, who is working on temporary basis from the last 29 years. This is a clear cut violative of the clear citations of the Hon'ble Supreme Court of India. Despite having the award in his favour in the year 2004 i.e. 12 years back, the workman has not been regularized. So due to above discussion, the managements are directed to consider the case of the workman within TWO months for regularization and he be regularized



from the date the previous award was published i.e. on 27.4.2004 and the responsibility must be fixed on the officers who have not considered his case for such a long period. Issue no. is, accordingly held in favour of the workman and against the managements.”

5. Looking at the reasons assigned in the impugned award passed by the learned Labour Court, this Court affirms the findings.
Accordingly, the present writ petition is hereby dismissed.

6. However, it is made clear that to avoid any legal complications, Management would ensure compliance as directed by Labour Court in its entirety.

May 24, 2024
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[SANJAY VASHISTH]
JUDGE

Whether speaking/reasoned
Whether reportable?

yes/no
yes/no