



IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

108

LPA-1990-2024 (O&M)  
Date of decision: 24.09.2024

Board of Directors, Haryana Cooperative Sugar Mill Ltd.

....Appellant

Versus

Cooperative Sugar Mill Karamchari Sangh and others

...Respondents

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL  
HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. Amit Khatkar, Advocate  
for the appellant.

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DEEPAK SIBAL, J.(ORAL)

1. The present intra Court appeal is directed against the judgment dated 16.05.2024 passed by a learned Single Judge of this Court allowing the writ petition filed by respondent No.1 through which petition respondent No.1 had sought issuance of directions to the appellant to grant arrears of revised pay scales from 01.01.2016 till 31.07.2017.
2. After hearing learned counsel for the appellant and perusing the record, we find that on 29.09.2017 the State of Haryana took a decision to implement the 7<sup>th</sup> Pay Commission for all Cooperative Sugar Mills in the State. Such decision was w.e.f. 01.01.2016 and that one of the conditions in such decision was that in case a Sugar Mill was running into losses then the arrears from 01.01.2016 till 31.07.2017 be not paid. The said decision by the State of Haryana dated 29.09.2017 was then placed before the Board of Directors of the appellant-Mill in its meeting held on 21.03.2018. After considering the entire



matter, the Board of Directors unanimously approved to grant the benefit of the 7<sup>th</sup> Pay Commission to all the employees of the appellant-Mill w.e.f. 01.01.2016 along with arrears. Such decision of the Board of Directors of the appellant-Mill dated 21.03.2018 was unanimous and till date has neither been rescinded nor modified. That being so, we find no error in the impugned judgment through which the learned Single Judge has granted relief to respondent No.1 on the basis of the aforesaid unanimous decision taken by the Board of Directors of the appellant-Mill.

3. There is yet another aspect of the matter which goes to the very maintainability of the present appeal. Through the impugned judgment, the learned Single Judge has granted relief to respondent No.1 after solely relying on the decision dated 21.03.2018 of the Board of Directors of the appellant-Mill which admittedly, till date has not been rescinded or modified. Therefore, we fail to comprehend as to how the same Board of Directors of the appellant-Mill can maintain the present appeal to challenge therein the judgment of the learned Single Judge which allows respondent No.1’s claim only on the basis of its decision.

4. In the light of the above, we are not inclined to interfere with the impugned judgment especially at the instance of the appellant.

5. Dismissed.

6. All pending miscellaneous application(s) shall also stand disposed of.

(DEEPAK SIBAL)  
JUDGE

(DEEPAK MANCHANDA)  
JUDGE

24.09.2024

Sapna Adhikari

Whether reasoned/speaking?  
Whether reportable?

Yes/No  
Yes/No