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

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Date of decision: 27.09.2024

CHANDIGARH HOUSING BOARD

....PETITIONER

Vs.

**PRESIDING OFFICER, LABOUR COURT CHANDIGARH AND
ANOTHER**

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Ms. Deepali Puri, Advocate
for the petitioner.

Mr. Bhuvan Luthra, Advocate
for respondent No. 2.

JAGMOHAN BANSAL, J (ORAL)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of *ex-parte* Award dated 18.07.2024 (Annexure P-1) whereby Labour Court has answered the reference in favour of the workman.

2. The petitioner-Chandigarh Housing Board is assailing Award dated 18.07.2024. The said Award has been passed in favour of the workman. The petitioner appointed workman on daily wages basis on 01.09.1991. He came to be appointed as Sweeper w.e.f. 13.02.2001 against a vacant post. There was another person namely Jagvir Singh who was appointed in 1989 on daily wage basis. The said employee preferred Civil Suit before District Court, Chandigarh claiming that he is entitled to the post of Sweeper on regular basis. The said suit was filed against Chandigarh Housing Board as well as workman herein. The learned Civil Judge

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(Junior Division) vide judgment dated 21.08.2006 (Annexure P-4) held that Jagvir Singh is entitled to post of 'Sewerage man-cum-Sweeper' on regular basis.

3. On account of said judgment, the petitioner promoted Jagvir Singh as 'Sewerage man-cum-Sweeper' and demoted respondent No. 2 to the post of daily wager.

4. Ms. Deepali Puri, Advocate submits that respondent No. 2 cannot be paid salary of 'Sewerage man-cum-Sweeper' for the period he worked on daily wage basis after his reversion. He, at a subsequent point of time was again promoted to the post of 'Sewerage man-cum-Sweeper' which was a regular post.

5. Mr. Bhuvan Luthra, Advocate submits that respondent No. 2 has again been promoted to the regular post of 'Sewerage man-cum-Sweeper'. Jagvir Singh has passed away and on account of vacancy, the respondent No. 2 was again promoted and since then he is working as 'Sewerage man-cum-Sweeper'. He has not actually claimed salary payable to Sewerage Man for the period he worked as daily wager on account of reversion. His claim was primarily to the effect that he was not heard prior to passing of impugned order.

6. The workman was made party to the civil suit filed by Jagvir Singh. There was specific finding of Civil Court that Jagvir Singh has been wrongly denied benefit of promotion and respondent No. 2 herein has been wrongly promoted. The said judgment of Civil Court was unsuccessfully challenged by Chandigarh Housing Board and it was never challenged by respondent herein.

7. In the aforesaid circumstances, the respondent No. 2 was bound by judgment of Civil Court. He was given full opportunity by Civil Court, thus, he cannot take somersault and say that his reversion was in violation of principles of natural justice. He had worked as daily wager after reversion and at subsequent point of time, he was again promoted. He cannot claim salary for the post, he did not hold. Thus, petitioner has rightly paid him salary of daily wager during the



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period, he held the post of daily wager after reversion from the post of ‘Sewerage man-cum-Sweeper’.

8. The petition stands disposed of in above terms.

27.09.2024
manoj

[JAGMOHAN BANSAL]
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No