



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(215)

CWP No. 10304 of 1997 (O&M)

Date of Decision : 24.04.2025

Project Driller Union

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Kanwaljit Singh, Senior Advocate with
Mr. K.S. Brar, Advocate for the petitioner.

Mr. T.P.S. Chawla, Senior Deputy Advocate General, Punjab.

Harsimran Singh Sethi J. (Oral)

1. In the present petition, the grievance being raised by the petitioner-Union is that by the impugned Award dated 09.10.1996 (Annexure P-2), only 1/3rd of the Drillers working in the said Cadre have been treated as Charge Man Driller so as to get the salary of the said post i.e. ₹1350-2400 starting from 01.05.1992 onwards.

2. Learned senior counsel appearing on behalf of the petitioner-Union submits that no reason has been given as to why, only 1/3rd Drillers working in the said Cadre have been granted the benefit of promotion to the post of Charge Man Driller though, the Cadre of the Drillers was one hence, all the Drillers working in the Cadre should have been granted the aforementioned benefit instead of restricting it to 1/3rd of the Cadre of the Driller.



3. Learned senior counsel further submits that keeping in view the affidavit, which has been filed now by the respondents No. 1 and 2 dated 24.04.2024, there is no category of Charge Man Driller and Assistant Driller working in the Ranjit Sagar Dam Project and the said Category of Driller has already been granted the pay scale as revised from time to time. Learned senior counsel further submits that even as of now, the benefit of promotion to the post of Charge Man Driller granted by the Labour Court vide Award dated 09.10.1996 (Annexure P-2) to 1/3rd of the Drillers, is not being maintained.

4. Learned counsel appearing on behalf of the respondents submits that the members of the petitioner-Union were working with the Ranjit Sagar Dam Project when the same was being constructed and the construction and project has come to an end since long and the employees who were earlier working in the Ranjit Sagar Dam have been adjusted in the various other projects of the Irrigation Department. Learned counsel for the respondents further submits that the affidavit dated 24.04.2024 which has been filed now, the post of Driller is being continued and there is no post of Charge Man Driller or Assistant Driller which is continuing and the employees working against the post of Driller have been granted the benefit of pay scale as admissible under the Notification issued by the State hence, the grievance being raised by the petitioner-Union has already been rendered infructuous.

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

6. It may be noticed that by the Award dated 09.10.1996 (Annexure P-2), the Labour Court has turned 1/3rd of the Driller into the



promoted post of Charge Man so as to grant them the benefit of pay scale of ₹1350-2400. Prima-facie, the Labour Court does not have a jurisdiction to bifurcate the Cadre which is within the domain of the employer.

6. As the aforementioned Award is not under challenge at the hands of the State and has already been implemented, no further observations are being made on the said issue.

7. With regard to the claim of the petitioner that all the Drillers should have been given the benefit which has been restricted to 1/3rd of the Driller so as to grant them the benefit of the pay scale of ₹1350-2400 and in case, the same is accepted, then a particular Cadre of Driller will vanish and all the Drillers will become the part of the Cadre of the Charge Man Driller. The Court has no such power to treat a particular Cadre of Driller as merged with the promoted Cadre of Charge Man Driller and that too only for the grant of pay scale. The grant of the pay scale is within the domain of the employer, which is usually being done on the basis of the recommendations of the expert body.

8. The Court has to be cautious in interfering in such kind of matters unless and until, the grant of a particular pay scale to a particular Category is arbitrary on the face of it. The present case is not such. Hence, the claim of the petitioner that all the Drillers should be treated as Charge Man Driller so as to be granted the pay scale of ₹1350-2400 cannot be accepted as, in case the same is accepted, the Cadre of Drillers will no longer be available so as to treat the said Cadre of Driller to be a part of the promoted Cadre of Charge Man Driller.



- 9. No ground is made out for any interference by this Court in the facts and circumstances of the present case.
- 10. Dismissed.
- 11. Pending miscellaneous application, if any, also stands disposed of.

April 24, 2025
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No