



CWP-10964-1999 (O&M) -1-

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CWP-10964-1999 (O&M)
Date of Decision :25.03.2025

Pepsu Road Transport Corporation

...Petitioner

Versus

Gurdev Singh and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Anupam Singla, Advocate & Mr. Lalit Goyal, Advocate
for the petitioner.

Mr. J.S. Bhatia, Advocate for respondent No.1.

* * *

Harsimran Singh Sethi, J. (Oral)

1. In the present petition, the challenge is to the award dated 22.04.1998 (Annexure P/3) passed by the Presiding Officer, Labour Court, Bathinda whereby, the petitioner-Corporation has been directed to pay salary/subsistence allowance to the respondent No.1-workman.

2. Learned counsel for the petitioner-Corporation argues that the respondent No.1-workman had resigned from service in the year 1993 and hence, the grant of benefit of salary/subsistence allowance is not made out after the resignation from service.

3. Learned counsel appearing on behalf of respondent No.1-workman submits that against the application filed by the respondent No.1-workman before the Labour Court claiming the benefit of subsistence



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allowance, no such plea was taken by the petitioner-Corporation that the respondent No.1-workman had resigned and it is only for the first time in the present writ petition, it has been mentioned that respondent No.1-workman had resigned though, the said fact is being disputed by the respondent No.1-workman that at no given point of time the respondent-workman had resigned and hence, the grant of benefit of salary/subsistence allowance in favour of the respondent-Workman is perfectly valid and legal.

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

5. Once, the ground which is being taken in the writ petition that the respondent-workman had resigned, was not raised before the Labour Court and no such document was produced for recording the finding that respondent No.1-workman resigned in the year 1993, the liberty of raising the said argument before this Court for the first time is not available with the petitioner-Corporation. Nothing evident has come on record that the petitioner-Corporation had taken the plea that respondent-workman had resigned from service in the year 1993 and hence, the grant of salary/subsistence allowance up to the date of passing of the award was not admissible

6. Further, the argument which has been raised by the learned counsel for the petitioner-Corporation is that respondent-workman should have raised the claim by raising a reference and not under Section 33 of the 1947 Act.

7. It may be noticed that the master and servant relationship has



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never been disputed. Even before this Court, the claim of the petitioner-Corporation is that respondent No.1-workman had resigned from service though, the said fact has not been accepted. Once, it is conceded fact that petitioner-Corporation themselves had suspended the respondent No.1-workman, it becomes the duty of the petitioner-Corporation to pay the salary/subsistence allowance to the respondent-Workman for the period in question.

8. Keeping in view the totality of the facts and circumstances of the present case, no ground for interference by this Court in the impugned award dated 22.04.1998 (Annexure P/3) passed by the Labour Court is made out and the writ petition is accordingly dismissed.

March 25, 2025
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No