



CWP-9289-2000 (O&M)

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

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CWP-9289-2000 (O&M)
Date of Decision :25.03.2025

Tilak Raj and another**...Petitioners**

Versus

**The Presiding Officer, Industrial Tribunal, Punjab,
Chandigarh & others****...Respondents****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Bikramjit Singh Patwalia, Advocate with
Mr. Gaurav Jagota, Advocate for the petitioner.

Mr. J.S. Bhatia, Advocate for respondent No.2.

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Harsimran Singh Sethi, J. (Oral)

1. In the present petition challenge is to the award dated 20.11.1998 (Annexure P/11) passed by the Presiding Officer, Industrial Tribunal, Punjab, by which, the transfer of petitioners-workmen by the management from one plant to another plant which was impugned, has been held to be valid and justified.

2. Learned counsel for the petitioner-workman submits that due to the transfer of workman from one plant to another, the service condition of the petitioner-workman was changed and not only the emoluments which the petitioners-workmen were earlier getting were reduced but also the petitioners-workmen were asked to perform the duties of moping and cleaning, which was not the part of the duties of the post against which the petitioner-workman was engaged in, which crucial fact has been ignored by

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the Tribunal while passing impugned award dated 20.11.1998 (Annexure P/11).

3. Learned counsel for the respondent No.2 submits that present petition has been filed by the two petitioners-workmen out of which, the petitioner-workman No.1-Tilak Raj has already withdrawn the petition after settling the issue with the respondent-organization. Learned counsel for respondent No.2 further submits that with regard to the contention of the learned counsel for the petitioner-workman that the transfer had financially impacted the petitioner-workman and has caused prejudice to him is incorrect as finding has been recorded by the Tribunal on the basis of the statement of the petitioner-workman himself that his emoluments were increased after the transfer from one plant to another rather than being decreased. Learned counsel for the respondent No.2 further submits that with regard to the fact of change in service condition of the petitioner-workman that they were asked to mop and clean the area, the same has only been done so that work place should be kept clean as petitioner-workman was working in pharmaceuticals industries.

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

5. The award impugned can only be interfered in case, it is shown that the same is perverse to the facts and evidence, which have come on record. In the present case, learned counsel for the petitioner-workman has tried to argue the issue again so that this Court should record a finding other than the one recorded by the Tribunal. The Court while adjudicating the claim cannot re-appreciate the facts so as to arrive at a different conclusion.



6. Further, learned counsel for the petitioner-workman has not been able to point out that the findings recorded by the Tribunal while declining the claim of the petitioner-workman is perverse to the facts and evidence on record.

7. With regard to the claim of the petitioner-workman that he was being financially affected by the transfer, has been dealt with by the Tribunal and a specific finding has been recorded that the total emolument being drawn by the petitioner-workman while working in Plant No.1 before their transfer was less and their pay had increased after being transferred in Plant-2. Once, the said fact was conceded by the petitioner-workman himself in his cross-examination and nothing has come on record to show that he was financially affected in any manner, the finding recorded by the Tribunal that there was no material change in the services of the petitioner-workman, needs no interference at the hand of this Court.

8. Further, cleaning the area where an employee is working especially when he/she is working in a pharmaceuticals industries cannot be termed that the service conditions were changed so as to direct him/her to clean or mop the floor. A cook directed to keep the kitchen clean cannot mean that his services have been changed from being a cook to a sweeper. The employees are expected to keep their work place clean, which was the endeavor of the respondent-Organization in the present case.

9. Learned counsel for the petitioner-workman submits that Section 25-F of the Industrial Dispute Act, 1947 has not complied with.

10. It may be noticed that in the present case, the challenge was to the transfer and not to termination of service hence, Section 25-F of the 1947

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Act will not come in picture in the present case as the challenge was only qua transfer of the petitioner-workman from one plant to another plant and not to any order of retrenchment of service.

11. As no perversity in the award has been pointed out by the learned counsel for the petitioner-workman, no ground is made out to interfere and the present petition is dismissed in above terms.

12. It may be noticed that in case, if any of the benefit for which, an employee is entitled for after leaving the job such as provident fund, has not been claimed by the petitioner-Workman so far, the petitioner-workman will be at liberty to claim the said amount from the respondent-Organization and in case, any such request is made by the petitioner-workman, an appropriate order on the same be passed by the respondent-Organization within a period of 08 weeks from the date of receipt of any such request.

13. Civil miscellaneous application pending, if any, is also disposed of.

March 25, 2025*aarti***(HARSIMRAN SINGH SETHI)****JUDGE***Whether speaking/reasoned : Yes**Whether reportable : No*