



CWP-1832-1996 & connected case 1

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

(213) CWP-1832-1996
Date of Decision : January 29, 2025

Punjab Co-operative Union .. Petitioner

Versus

**Presiding Officer, Labour Court, U.T. Chandigarh and another
.. Respondents**

(213-A) CWP-9610-1996

Workmen Punjab Co-operative Union .. Petitioner

Versus

Presiding Officer and others .. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Sandeep Sharma, Advocate, for the petitioner(s).

Mr. Vikas Singh, Advocate, for respondent No.2.

HARSIMRAN SINGH SETHI J. (ORAL)

1. By this common order, two writ petitions, the details of which have been given in the heading, are being disposed of as both the petitions involve the same question of law on similar facts.

2. In the present writ petitions, the grievance being raised by the petitioners are that the two references being Reference No.111 of 1990 and Reference No.24 of 1991, have been declined on the ground that there is no need for adjudication, which is essentially arbitrary and illegal.

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3. Learned counsel for the petitioner submits that Reference No.111 of 1990 was regarding the restoring of number of holidays which were to be availed as the same had been curtailed by the management and Reference No.24 of 1991 was for the grant of the pay scale as revised by the Government of Punjab w.e.f. 01.01.1986, even to the employees of the Corporation where the petitioner(s) were working.

4. Learned counsel for the respondent submits that as per the finding recorded by the Tribunal on 14.10.1994, the demand notice in both the cases were raised after a period of one and half year of the closure of the undertaking hence, the disputes raised in Reference No.111 of 1990 and 24 of 1991 needs no adjudication, has rightly been decided by the Tribunal that the same does not need any adjudication.

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

6. Learned counsel for the petitioner(s) has submitted that the finding recorded by the Tribunal on 14.10.1994 that the demand notice dated 12.04.1989 qua Reference No.111 of 1990 was submitted after the closure of the unit is incorrect as the demand notice is dated 12.04.1989 whereas, the unit was closed on 09.06.1989.

7. On being asked to point out the evidence that whether the notice dated 12.04.1989 was served to Punjab Co-operative Union, State Co-operative Printing Press prior to the closure or not, learned counsel for the petitioner has not been able to show that the said notice was served upon the unit prior to its closure.

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8. In the absence of any such evidence brought on record, qua finding recorded by the Tribunal that the notices were served with regard to the Reference No.111 of 1990 and 24 of 1991 after the closure and as such needs no interference at the hands of the petitioner.

9. Learned counsel for the petitioner submits that the grievance raised by the Union, could have been raised even after the closure, hence, the same should have been adjudicated.

10. In regard to Reference No.111 of 1990, it may be noticed that the Unit had already been closed and nothing has come on record that any employee, who was seeking restoration of number of holidays which were curtailed by management and later on withdrawn by management has caused prejudice to any employee in any manner and hence, no adjudication was required for. Nothing has come on record that even when the holidays were curtailed prior to the closure of unit that such curtailment has caused prejudice to any employee prior to the closure of unit. In the absence of any such evidence brought on record, the issue raised become academic and has rightly been declined to be adjudicated on merits.

11. With regard to Reference No.24, which was regarding the grant of revised pay scale, it may be noticed that the revised pay scale was only granted by the Government of Punjab in the year 1989 with retrospective effect w.e.f. 01.01.1986 to its employees. Nothing has come on record that on the date when the notification was issued by the Government of Punjab, the unit where the petitioner(s) were working was even in existence. Hence, claiming the benefit of revised pay scale from a unit which had already been closed by the time the Government of Punjab had revised the pay scale for

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its employees, has rightly been declined to be adjudicated because of it being academic in nature. Nothing has been shown to this Court that the finding recorded by the Tribunal are perverse to any evidence. Hence, no ground is made out for any interference by this Court in the facts and circumstances of the present case.

12. Accordingly, the writ petitions are dismissed.

13. A photocopy of this order be placed on the file of other connected case.

January 29, 2025
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No