



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

207

**CWP No. 1643-2008 (O&M)
Decided on :01.08.2025**

STATE OF PUNJAB AND ANR.

. .Petitioner

Versus

NATHA SINGH AND ANR.

. . . Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

PRESENT: Mr. Rahul Rampal, Additional Advocate General, Punjab.

Mr. Tahaf Bains, Advocate for respondent No. 1.

HARSIMRAN SINGH SETHI, J. (Oral)

1. In the present petition, the challenge is to the impugned award dated 18.12.2006 (Annexure P-4) by which, the direction has been given by the labour Court that the Beldars who have completed two years of service with the petitioner No. 2-Department and have been working as Helpers, should be granted the pay-scale of Rs. 810-1440 w.e.f. 01.01.1986 alongwith arrears from the said date.

2. Learned counsel for the petitioner-State submits that the reference was raised by the respondent-union before the Tribunal by placing reliance upon the letter dated 14.05.1996 (Annexure P-5C) issued by the Chief Engineer, Irrigation Works, Punjab, Shahpurkandi T/Ship so as to claim the pay-scale of the post of Helper i.e. Rs. 810-1440, but the labour Court without appreciating the said letter dated 14.05.1996 (Annexure P-5C), has directed that even the Beldars, who have completed two years of



service with the petitioner No. 2, be treated as a Helpers for the grant of benefit of said pay-scale of Rs. 810-1440, which findings has been reached upon by misinterpreting the letter dated 14.05.1996 (Annexure P-5C) wherein it has been cleared stated that the Beldars who had completed two years of service on the post of Beldars will become entitled for the promotion to the post of Helpers and only after the said promotion to the post of Helpers, would they be made entitled for the pay-scale of Rs. 810-1440 whereas ,in the present case, without there being any promotion of Beldars to the post of Helpers, the labour Court has directed that Beldars who have completed two years in service be treated as a Helpers for the grant of a pay-scale of Rs. 810-1440 which is incorrect, hence, the impugned award dated 18.12.2006 (Annexure P-4) passed by the Labour Court is perverse to facts and evidence on record and even to the letter dated 14.05.1996 (Annexure P-5C), hence, the same is liable to be set-aside.

3. Learned counsel for the respondents submits that for all intents and purposes, the Beldars were performing the duties which are performed by the Helpers with the petitioner No. 2-department and hence, the labour Court while passing the impugned award dated 18.12.2006 (Annexure P-4) has rightly directed that the employees, who had completed two years of service on the post of Beldars have to be treated as Helpers so as to grant them the benefit of pay-scale of Rs.810-1440, which findings of the labour Court is perfectly valid and legal.

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

5. The Beldars have made the letter dated 14.05.1996 (Annexure P-5C), the actual basis for approaching the Labour Court to claim the pay-scale



of Rs. 810-1440 which pay-scale is granted to the employees on the post of Helpers.

6. The relevant paragraph of the said letter which relates to the Beldars is as under:-

“The Beldars who are working in the Shops/Field of RSD The Beldars who are working in the Shops/Project drawing pay in the pay scale of Rs. 750-1350 initial start of Rs. 770/- having knowledge of trade concerned and are helping the technicians particularly in Shops and also in the Field shall be promoted as helpers in the pay scale of Rs. 810-1440 on the basis of performance for a minimum period of two years in a particular technical activity and recommendations from the Xen/ Field and approved by the concerned Superintending Engineers”

7. A bare perusal of the above reproduction would show that the Beldars who were working in the Shops/Field of RSD-Project and were drawing pay in the pay scale of Rs.750-1350 with initial start of Rs. 770/- and were helping the technicians shall be promoted to the post of Helpers, which promotion will entitle them with the pay-scale of Rs. 810-1440. The said promotion can only be done in case the Beldars had completed two years of service and are helping the technicians and in the Field.

8. It may be noticed that in the impugned award dated 18.12.2006 (Annexure P-4), nothing has come on record to show that the Beldars were promoted as a helper so as to claim the benefit of pay-scale of Rs.810-1440. Until and unless the Beldars are promoted as a Helpers, the pay-scale of Rs. 810-1440 could not have been granted by them.

9. Learned counsel for the respondents has failed to point out any evidence brought on record which could show that the Beldars, having two



years of service in their credit, were promoted as Helpers so as to claim the benefit of pay-scale of Rs. 810-1440. Therefore, the labour Court has wrongly interpreted the said letter and has exceeded its jurisdiction to record the findings that the Beldars who have been in service for two years, will be treated as Helpers for the grant of benefit of pay scale of Rs. 810-1440 even if there has been promotion to the said post.

10. The Labour Court cannot treat the Beldars having two years of service as Helpers without them being promoted to the post of Beldars and hence, impugned award dated 18.12.2006 (Annexure P-4) passed by the labour Court is perverse to the facts and evidence brought on record and the same cannot be sustained.

11. The argument of the learned counsel for the respondent No. 1 is that the Beldars were actually discharging the duties of Helpers. No evidence which has come on record to show that the Beldars were actually discharging the duties of Helpers has been brought to the notice of this Court and even no material evidence which has come on record to differentiate between the duties of the Beldars and the Helpers has been brought to the notice of this Court and how the duties of the Beldars are different from the duties of Helpers so as to claim the benefits of Pay-scale of Rs. 810-1440.

12. Further, while passing the impugned award dated 18.12.2006 (Annexure P-4), no such findings have been recorded by the labour Court which is based upon any facts or evidence on record that the Beldars were discharging the duties which are to be done by the Helpers, which is the promotional post, hence, impugned award dated 18.12.2006 (Annexure P-4) is totally silent on the said aspect and perverse to the facts and evidence available on record.



13. Keeping in view the totality of facts and circumstances, the impugned award dated 18.12.2006 (Annexure P-4) is hereby set-aside. The present case is remanded back to the labour Court for afresh adjudication to decide the issue that as to whether the Beldars were actually discharging the duties of post of Helpers or the Beldars, which findings should be based upon the facts as well as evidence brought on record.

14. Both the parties are directed to appear before the labour Court on 22.08.2025.

15. The present petition is disposed of in above terms.

16. Pending civil miscellaneous application, if any, stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

01.08.2025

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Whether speaking/reasoned: Yes/~~No~~

Whether Reportable: ~~Yes~~/No