



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(207)

CWP No. 14605 of 2022 (O&M)

Date of Decision : 31.01.2025

M/s My Source Innoventures Pvt. Ltd.

...Petitioner

Versus

Amarjeet Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Ajay Bhardwaj, Advocate with
Ms. Anvi Kumar, Advocate for the petitioner.

Mr. Karanbir Singh, Advocate and
Ms. Lavanya Gupta, Advocate for the respondent.

Harsimran Singh Sethi J. (Oral)

1. In the present petition, the grievance being raised by the petitioner is that the authorities have wrongly calculated the entitlement of the respondent-workman for the grant of wages for the period he has worked hence, the orders passed by the authorities concerned in favour of the respondent-workman are liable to be set-aside.

2. Learned counsel for the petitioner submits that a sum of ₹25,000/- every month has been added to the salary, which is an incentive and the incentive was only to be paid to an employee in case, his/her work and conduct are satisfactory and he/she had achieved his/her target whereas, in the present case the target was not achieved by the respondent-workman hence, the grant of ₹25,000/- per month by treating the same as a part of the salary is arbitrary and illegal and is liable to be set-aside.



3. Learned counsel for the petitioner further submits that a sum of ₹1,99,000/- has been awarded to the respondent-workman on account of 'Superannuation' which, would have been given to the respondent-workman only after 'Superannuation', whereas in the present case, the services of the respondent-workman were terminated after a period of five years hence, grant of ₹1,99,000/- on account of 'Superannuation' is liable to be deducted from the total emoluments computed to be paid to the respondent-workman.

4. Learned counsel for the respondent submits that the respondent-workman has given a chart as to how the salary of the respondent-workman is to be computed every month and the benefit which has been extended to the respondent-workman by the authorities under the Payment of Wages Act is according to the said tabulation form, hence, the claim of the petitioner that the computation of the entitlement of the respondent-workman under the Payment of Wages Act is incorrect, is liable to be rejected.

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

6. In the present case, the first argument which has been raised by the learned counsel for the petitioner is that the respondent-workman was not entitled for the incentive as being given to him by the authorities concerned. The petitioners have attached the appointment order of the respondent-workman as Annexure P-1 wherein, the details of the salary admissible to him monthly as well as annually has been described. In the said computation, ₹25,000/- has been added in the monthly salary of the petitioner on the ground of incentives. Once, the incentive has been included as a part of the salary to compute ₹65,017/- as monthly salary which was to



be paid to the respondent-workman, now arguing that the incentive was only to be given in case, the performance of the respondent-workman is good and upto the mark, it cannot be accepted.

7. Further, even if the argument of the learned counsel for the petitioner is accepted that the incentive was to be given in case, the work of the employee is upto the mark, the learned counsel for the petitioner has not been able to point out from any evidence on record to show that at any given point of time, the petitioner had pointed out the irregularities or non-performance during the service career of the respondent-workman. In the absence of any such evidence brought on record, it cannot be said that the performance of the respondent-workman was not good so as to deny him the incentive which was part of his monthly salary.

8. Further, with regard to the argument of the learned counsel for the petitioner that a sum of ₹1,99,000/- has been paid on account of 'Superannuation', it may be noticed that as per the Annexure, which has been attached with the appointment order (Annexure P-1), the Superannuation/ Additional (B) to the tune of ₹2625/- every month was to be paid to the employee. The said amount has been calculated to be paid as nothing was shown before the authorities concerned under the Payment of Wages Act that the said amount was paid to the respondent-workman as part of monthly salary while he was performing the duties hence, the amount which has been calculated under 'Superannuation' is perfectly valid and as per the terms and conditions of the appointment order.

9. The last argument which has been raised by the learned counsel for the petitioner is that there was a fraud played by the respondent-workman



hence, after the termination he will loose everything, which fact has been ignored by the authorities under the Payment of Wages Act while computing the entitlement of the respondent-workman which is due to the petitioner.

10. It may be noticed that the salary is to be paid for every day work. Till an employee is working, he is to be paid his entitled salary. In case, the performance of the respondent-workman was not upto the liking of the petitioner, petitioner was free to terminate the services of the workman in accordance with law. No benefit is being claimed by the respondent-workman for a period after his services were terminated, hence, till an employee has worked, he/she is entitled for the salary keeping in view the terms and conditions on which he was appointed hence, no ground is made out for any interference by this Court in the present petition.

11. Dismissed.

12. Pending miscellaneous application, if any, also stands disposed of.

January 31, 2025
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No