

2025:PHHC:028547



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

**CWP-20376-2013 (O&M)
Date of Decision : 27-02-2025**

DARSHAN SINGHPetitioner

VERSUS

PRESIDING OFFICER AND ORSRespondent(s)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Harbans Sharma, Advocate
for the petitioner.

Mr. Anupam Singla, Advocate and
Mr. Lalit Gupta, Advocate
for the respondent Nos.2 and 3.

HARSIMRAN SINGH SETHI, J. (Oral)

1. In the present petition, grievance being raised by the petitioner-Workman is that the application filed to claim the grant of salary for which he was entitled for, has wrongly been declined by the Labour Court vide order dated 24.01.2013 (Annexure P-4) and that too without appreciating the facts and material evidence on record.

2. Learned counsel for the petitioner-Workman submits that the petitioner-Workman was appointed as Chowkidar on 22.05.1984 and worked upto 01.10.1990 but he was not given salary for which, the

petitioner-Workman was entitled for and he was only treated as part-time employee whereas, he was made to work for full day.

3. Learned counsel for the petitioner-Workman further submits that the petitioner-Workman, who was working as a part-time Chowkidar for full day, be granted the benefit of full salary as per D.C rates as being paid to other regular Chowkidar working with the respondent. Learned counsel for the petitioner-Workman submits that the Labour Court has wrongly rejected the claim of the petitioner-Workman and hence, an appropriate direction be issued to the respondents to release the difference of salary for the period the petitioner-Workman has discharged the duties with the respondents for which, he is entitled.

4. Learned counsel for the respondents submits that the petitioner-Workman was given appointment which document was brought on record as Ex.R-1 according to which, the salary was given to the petitioner-Workman for the period for which he had worked with the respondents. Learned counsel for the respondents further submits that the services of the petitioner-Workman was terminated in the year 1991 whereas, the claim for the release of salary as per D.C rates was being raised by the petitioner-Workman in the year 2005, which claim has rightly been rejected by the Labour Court vide order dated 24.01.2013 (Annexure P-4).

5. I have heard learned counsel for the parties and have gone through the records of the present case with their able assistance.

6. Learned counsel for the petitioner-Workman submits that vide letter dated 22.11.1989, copy of which has been appended as Annexure P-3, an order was given by the Managing Director, PRTC, Patiala to grant the

salary according to the revised rates approved by the respective Deputy Commissioner to the daily-wage Labourers, the said fact has gone unrebutted. Once, in the year 1989 the petitioner-Workman was working and his services were terminated in October, 1991, the employee becomes entitled for the salary under the D.C. rates as approved by the respondents themselves.

7. Learned counsel for the respondent submits that the said salary under the D.C rates have already been paid to the petitioner-Workman but nothing evident has been brought on record to substantiate the same hence, the order dated 24.01.2013 (Annexure P-4) passed by the Labour Court is modified that after the passing of the order dated 22.11.1989 (Annexure P-3), in case the petitioner-Workman has been paid the salary under the D.C rates admissible to the post on which the petitioner-Workman was working which was Chowkidar, no further amount is to be made but in case, the petitioner-Workman was not paid the salary of the post on which he was working as per D.C rates from 01.12.1989 onwards till his services were terminated, the petitioner-Workman is held entitled for salary at D.C rates qua the post on which he was working from 01.12.1989 till May, 1991 and the same be computed and the difference which comes, be released in favour of the legal heirs of the petitioner-Workman as it has been stated that unfortunately the petitioner-Workman has died.

8. Let a speaking order be passed in this regard by giving the details as to how much was the salary according to the D.C rates qua the post on which the petitioner-Workman was working as on 01.12.1989 and how much the petitioner-Workman was paid during the said period upto the

date his services were terminated i.e. 01.10.1990 so that, the speaking order should be clear whether the petitioner-Workman is entitled for the difference of a salary or not.

9. Let the said order be complied with within a period of 8 weeks from the receipt of copy of this order.

10. Pending application, if any, also stands disposed of.

27-02-2025
Sapna Goyal

(HARSIMRAN SINGH SETHI)
JUDGE

NOTE: Whether speaking: YES
Whether reportable: NO