

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

108

CWP-6596-2018

Date of Decision : January 15, 2026

HEMANT KUMAR DUBEY AND ORS.

-PETITIONERS

V/S

THE MUNICIPAL CORPORATION, AMRITSAR AND ORS.

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Fateh S. Dhillon, Advocate, and
Mr. Hargun Sethi, Advocate
for the petitioners.

Mr. Sanjeev Soni, Advocate, and
Mr. Tara Dutt, Advocate
for the respondents No.1 to 4.

Mr. R.S. Khosla, Sr. Advocate, with
Mr. Yogender Verma, Advocate
for the respondents No.6 to 8.

KULDEEP TIWARI, J. (ORAL)

1. Through the present writ petition, the petitioners/workmen challenge the order dated 01.06.2017, passed by the respondent No.9-Industrial Tribunal, to the extent that relief was denied in respect of vehicle allowance, mobile allowance, leave encashment, and the differential wages, arising on account of the petitioners being paid wages for 26 days as against 31 days (full month) paid to other employees.

2. At the outset, learned counsel appearing for the petitioners submits that there is no dispute regarding the fact that the petitioners were engaged on a contractual basis with the Municipal Corporation, Amritsar.

It is further submitted that, in view of the law laid down by the Hon'ble

Supreme Court in “*State of Punjab and others v. Jagjit Singh and others*”, 2016 (4) SCT 641, wherein contractual employees were held entitled to the minimum of the pay scale of the post along with dearness allowance, but not to allowances attached to the post, the petitioners confine their claim only to the extent that their entitlement to wages for the full month, i.e. 31 days instead of 26 days, continues to subsist and carries legal force. It is urged that this claim relating to the difference in pay was specifically raised by the petitioners by filing an application under Section 33-C of the Industrial Disputes Act, 1947, however, no specific issue was framed in this regard, nor was any adjudication carried out thereon by the Industrial Tribunal.

3. *Per contra*, learned senior counsel appearing for the respondents No.6 to 8 submits that the project under which the petitioners were engaged, namely the Golden Temple Beautification Project (Galiara Project), has since been taken over by the Amritsar Development Authority. It is further submitted that the petitioners have already received the amounts as directed by the Industrial Tribunal. However, he fairly concedes that no issue was framed with respect to the petitioners’ entitlement to wages for the full month, i.e. 31 days instead of 26 days, nor was any evidence led on the said aspect.

4. This Court has heard learned counsel for the parties and has perused the record.

5. The sole issue that arises for consideration before this Court is “*whether the claim of the petitioners regarding payment of full month wages, i.e. 31 days instead of 26 days, was considered and adjudicated upon by the Industrial Tribunal*”. The answer to this issue is in the

negative. A perusal of the record reveals that although the petitioners had specifically raised this claim in their application under Section 33-C, the same was neither framed as an issue nor adjudicated upon by the Industrial Tribunal.

6. Accordingly, for the limited purpose of adjudicating the petitioners' claim regarding their entitlement to wages for the full month, i.e. 31 days instead of 26 days, the matter is remanded to the Industrial Tribunal. The Industrial Tribunal shall, after framing a specific issue in this regard, afford due opportunity of hearing to the parties, permit them to lead evidence, if any, and endeavour to decide the matter expeditiously, preferably within a period of six months from the date of receipt of a certified copy of this order.

7. **Disposed of accordingly.**

January 15, 2026
devinder

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No