



CWP-16436-2005 & connected cases 1

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

(268) CWP-16436-2005
Date of Decision : February 13, 2025

Municipal Corporation, Patiala .. Petitioner

Versus

Rajinder Singh Chandok and others .. Respondents

(2) CWP-19755-2005

Municipal Corporation, Patiala .. Petitioner

Versus

Siri Ram and others .. Respondents

(3) CWP-19756-2005

Municipal Corporation, Patiala .. Petitioner

Versus

Roop Singh and others .. Respondents

(4) CWP-19757-2005

Municipal Corporation, Patiala .. Petitioner

Versus

Ram Bahadur and others .. Respondents

(5) CWP-19758-2005

Municipal Corporation, Patiala .. Petitioner

Versus

Mukhtiar Singh and others .. Respondents



CWP-16436-2005 & connected cases 7

(36) CWP-19789-2005

Municipal Corporation, Patiala .. Petitioner

Versus

Baljit Singh and others .. Respondents

(37) CWP-19790-2005

Municipal Corporation, Patiala .. Petitioner

Versus

Harbans Singh and others .. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. K.S. Kang, Advocate, with
Mr. Arkash Mani Garg, Advocate, for the petitioner(s)
in all petitions.

Ms. Akshita Chauhan, DAG, Punjab.

Mr. Mukesh Arora, Advocate, for respondent No.1
in all petitions.

HARSIMRAN SINGH SETHI J. (ORAL)

1. By this common order, 37 writ petitions, the details of which have been given in the heading, are being disposed of as all these petitions involve the same question of law on similar facts.

2. In the present bunch of writ petitions, the challenge is to the Award passed by the Labour Court dated 19.04.2005 (Annexure P-9) by which, the direction has been given to the petitioner-Management to pay the employees who were working on Octroi, the salary for working on the holidays for a period of three years prior to passing of the Award by the Labour Court.

**CWP-16436-2005 & connected cases 8**

3. Learned counsel for the petitioner(s) argues that the benefit of salary for working on a holiday is only admissible in case the same is proved before the competent authority or the Court that the employee has worked beyond working hours.

4. Learned counsel for the petitioner(s) further submits that even if, an employee has worked on a holiday but has been compensated by another holiday, then also, the employee will not be entitled for the benefit of salary for working on a holiday which facts have totally been ignored by the Labour Court while passing the impugned Award.

5. Learned counsel for the petitioner(s) further submits that though the entitlement of the workman to get the salary for working on a holiday in case the said workman has not been compensated for the same goes undisputed but the employee has to prove the working on a holiday before claiming the salary for the same, which aspect has totally been ignored by the authorities concerned hence, the impugned Award is liable to be set aside.

6. Learned counsel for the respondents submits that the impugned Award passed in the present petition were passed in the year 2005.

7. Learned counsel for the respondents further submits that there was no interim order and the payments have already been made to the respondent-employees and almost all the employees have already retired from service also hence, asking them to refund the employer so as to again go to the Court to prove the factum of working on a holiday especially when as of now, there is no master and servant relationship between the parties, will prove futile.

**CWP-16436-2005 & connected cases 9**

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

9. Keeping in view the fact that as per the parties, all the respondent-employees have already retired from service and they have been paid the benefit under the impugned Award. It will be too harsh now to call the employees to prove their claim before the Labour Court under Section 33-C (2) of the Industrial Disputes Act, 1947 qua the holidays on which he/she has worked hence, once the Award has been implemented and the payments have been made and the employees have retired, by keeping the question of law open, no further orders are required to be passed.

10. Though, it may be noticed that in case any of the employee has not been paid the benefit under the Award so far, he/she can approach the Labour Court under Section 33-C(2) of the Industrial Disputes Act, 1947 to claim the benefit of salary in case he/she has worked on any holiday in the three years preceding to the passing of the Award concerned.

11. Further, the question of law raised in the present bunch of writ petitions has already been decided by this Court while passing order in ***CWP No.928 of 2017 titled as Director Horticulture, Punjab, and another vs. Presiding Officer, Industrial Tribunal, Patiala and another and other connected cases, decided on 06.02.2025*** wherein, it has already been held that the employee concerned has to prove before the appropriate authority or the Court under Section 33-C(2) of the Industrial Dispute Act, 1947 with regard to the actual claim of the employee concerned having worked on a particular holiday for which the said employee has not been paid the salary and has also not been compensated with an another holiday.

**CWP-16436-2005 & connected cases 10**

12. The claim raised in the present petitions is also governed by the said order passed by this Court in CWP-928-2017 though the same is not being made applicable especially when the employees have already retired from service since long.

13. The present writ petitions are disposed of in above terms.

14. Civil miscellaneous application pending if any, also stands disposed of.

15. A photocopy of this order be placed on the file of other connected cases.

February 13, 2025
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No