

**CWP No. 14990 of 2024 and
other connected matters**

2025:PHHC:027185



1

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
(Sr. No. 291)**

(1)

**CWP No. 14990 of 2024
Date of Decision : 24.02.2025**

Ajay Sharma

...Petitioner

Versus

Presiding Officer, Industrial Tribunal & Labour Court and others

...Respondents

(2)

CWP No. 18086 of 2024

Iqbal Mohd.

...Petitioner

Versus

Presiding Officer, Industrial Tribunal & Labour Court and others

...Respondents

(3)

CWP No. 20271 of 2024

Gurinder Singh

...Petitioner

Versus

**Presiding Officer, Industrial Tribunal & Labour Court, Union Territory,
Chandigarh and others**

...Respondents

(4)

CWP No. 20286 of 2024

Jaspreet Singh

...Petitioner

Versus

**Presiding Officer, Industrial Tribunal & Labour Court, Union Territory,
Chandigarh and others**

**CWP No. 14990 of 2024 and
other connected matters**

2025:PHHC:027185



2

...Respondents

(5)

CWP No. 20291 of 2024

Jai Hind Kumar

...Petitioner

Versus

**Presiding Officer, Industrial Tribunal & Labour Court, Union Territory,
Chandigarh and others**

...Respondents

(6)

CWP No. 20294 of 2024

Baljinder Singh

...Petitioner

Versus

**Presiding Officer, Industrial Tribunal & Labour Court, Union Territory,
Chandigarh and others**

...Respondents

(7)

CWP No. 20295 of 2024

Sandeep Kumar

...Petitioner

Versus

**Presiding Officer, Industrial Tribunal & Labour Court, Union Territory,
Chandigarh and others**

...Respondents

(8)

CWP No. 20318 of 2024

Gurpreet Singh

...Petitioner

Versus

**Presiding Officer, Industrial Tribunal & Labour Court, Union Territory,
Chandigarh and others**

**CWP No. 14990 of 2024 and
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3

...Respondents

(9)

CWP No. 20264 of 2024

Rananjay Kumar Singh

...Petitioner

Versus

**Presiding Officer, Industrial Tribunal & Labour Court, Union Territory,
Chandigarh and others**

...Respondents

(10)

CWP No. 24715 of 2024

Sudhir Kumar Srivastava

...Petitioner

Versus

**The Presiding Officer, Industrial Tribunal, Union Territory, Chandigarh
and others**

...Respondents

(11)

CWP No. 19714 of 2024

Surinder Pal Singh

...Petitioner

Versus

**Presiding Officer, Industrial Tribunal & Labour Court, Union Territory,
Chandigarh and others**

...Respondents

(12)

CWP No. 19739 of 2024

Salinder Singh

...Petitioner

Versus

**Presiding Officer, Industrial Tribunal & Labour Court, Union Territory,
Chandigarh and others**

**CWP No. 14990 of 2024 and
other connected matters**

2025:PHHC:027185



4

...Respondents

(13)

CWP No. 20390 of 2024

Satvinder Singh

...Petitioner

Versus

**Presiding Officer, Industrial Tribunal & Labour Court, Union Territory,
Chandigarh and others**

...Respondents

(14)

CWP No. 20479 of 2024

Manjit Singh

...Petitioner

Versus

**Presiding Officer, Industrial Tribunal & Labour Court, Union Territory,
Chandigarh and others**

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Amit Sharma (Kanav), Advocate with
Mr. Gaurav Tangri, Advocate for the petitioner(s) in all cases.

Mr. P.S. Khurana, Advocate for respondents No. 2 and 3
in CWP-14990, 18086, 20271, 20286, 20291, 20294,
20295, 20318, 20264, 19714, 20390, 20479 and 24715-2024.

Harsimran Singh Sethi J. (Oral)

1. In the present bunch of petitions, the challenge is to the order dated 06.11.2023 (Annexure P-8) passed by the Labour Court by which, the claim of the petitioner(s) for the grant of wages as per the recommendations



of the Majithia Wage Board, which were accepted by the Government of India and Notified in the Gazette of India on 11.11.2011, has been denied.

2. Learned counsel appearing on behalf of the petitioner(s) submits that petitioner(s) were working with the respondents on various posts but, starting from 11.11.2011 till they remained in service, the petitioner(s) were denied the benefit of salary as per the recommendations of the Majithia Wage Board even though, the same had already been accepted by the Government of India and Notified in the Gazette of India, hence, starting from 11.11.2011, the petitioner(s) should have been paid their wages as per the recommendations of Majithia Wage Board and the said claim raised before the Labour Court, has wrongly been rejected by the Labour Court, which has led to the filing of the present petitions.

3. Learned counsel for the petitioner(s) submits that as per the recommendations of the Majithia Wage Board, it was the duty of the respondents to grant the benefit of 'higher emoluments' to an employee who was benefiting from the same after revision of his/her pay but, the said benefit was denied to the petitioner(s), which fact has been ignored by the Labour Court while passing the impugned Award and the same is liable to be set-aside.

4. Learned counsel for the petitioner(s) argues that the Labour Court has failed to appreciate the fact that every employee has to get the wages as per the Working Journalists and Other Newspaper Employees (Condition of Service) and Miscellaneous Provisions Act, 1955, (hereinafter referred to as '1955 Act'), hence, the undertakings given by the petitioner(s),



copies of which have been appended as Annexure P-9 in all the writ petitions except CWP-24715-2024 should not be considered against the petitioners, as the benefit of higher wages was admissible to be paid regardless of the undertaking given. Hence, the impugned Award is liable to be set-aside.

5. Learned counsel for the petitioner(s) further relies upon the judgment of the learned Single Judge of the Allahabad High Court in CWP No. 23212 of 2021 titled as *M/s Jagran Prakashan Limited Vs. Kishan Lal and others*, to contend that the explanation/argument being raised by the petitioners herein, have found favour with the Allahabad High Court so as to grant the relief to the petitioner(s) therein hence, the petitioner(s) here be also granted relief of the wages as recommended by the Majithia Wage Board by setting-aside the impugned Award.

5. Learned counsel appearing on behalf of the respondents submits that once, the option was made available to the employees to either opt for existing emoluments or wages as per recommendations of Majithia Wage Board, the employees were well within their right to choose what is beneficial for them and whatever they chose by exercising option, has been implemented and now, the employees cannot turn around and say that they should be given another option to opt for the benefit of wages keeping in view the recommendations of Majithia Wage Board.

6. Learned counsel for the respondents further submits that there is no challenge to the undertakings Annexure P-9 on the ground that same were involuntarily or were forged and the findings which have been recorded by the Labour Court are in favour of the respondents that once, the petitioner(s)



opted for the existing emoluments and continued to receive them until the petitioner(s) resigned and got their dues settled, thereafter the petitioner(s) could not have approached the Labour Court for allowing them the benefit of higher wages keeping in view the recommendations of the Majithia Wage Board.

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

8. The issue which has been raised by the petitioner(s) in the present bunch of petitions is that as the Majithia Wage Board recommendations were accepted by the Government of India and Notified in the Gazette of India on 11.11.2011 hence, from the said date, the petitioner(s) who were working with the respondents, were entitled for the revision of their wages as per the recommendations of the Majithia Wage Board, which benefit was not given to them till they worked with the respondents, hence, the respondents be directed to grant the said benefit of the revised wages as per the recommendations of Majithia Wage Board as accepted by the Government of India along with arrears and interest.

9. The further prayer of the petitioner(s) is that the Labour Court without appreciating the issue in the correct perspective, has declined the benefit to the petitioner(s) on the ground that after the recommendations of the Majithia Wage Board were accepted by the Government of India, the option was given to the employees concerned either to keep on accepting the existing emoluments or to shift to the recommendations of the Majithia Wage Board and as the petitioner(s) accepted the existing emoluments by



giving undertakings in writing and till they remained in service of the respondents, they never raised any grievance with regard to non-grant of the wages under the Majithia Wage Board to the petitioner(s), the decision of the respondents to deny the revised wages is not arbitrary or illegal but is in view of the option exercised by the petitioner(s).

10. For better understanding, Clause 20(J) of Majithia Wage Board recommendations is as under :-

“20(j) The revised pay scales shall become applicable to all employees with effect from the 1st of July, 2010. However, if an employee within three weeks from the date of publication of the Government Notification under Section 12 of the Act enforcing these recommendations exercises his option for retaining his existing pay scale and ‘existing emoluments’, he shall be entitled to retain his existing scale and such emoluments.”

11. It may be noticed that as per Clause 20(J) of Majithia Wage Board recommendations, the employee had an option either to shift to the recommendations of the Majithia Wage Board or to continue to retain his existing scale and such emoluments.

12. It is a conceded position that in pursuance to the said option given, the petitioner(s) opted for the continuance in their existing pay scale and such emoluments, which is clear from Annexure P-9. The said options were exercised by the petitioner(s) within the period prescribed under Clause 20(J) of the Majithia Wage Board recommendations. That being so, once the petitioner(s) accepted to continue in the existing pay scale and such emoluments which the petitioner(s) were getting rather than opting for



recommendation of the Majithia Wage Board and the petitioner(s) continued to work with the respondents thereafter for a period of more than eight years without raising any grievance qua the non-grant of the benefit of the recommendations of the Majithia Wage Board, now they cannot be allowed to turn around to claim wages contrary to their exercised option. This fact clearly goes to show that petitioner(s) themselves opted for the existing scale and emoluments and it is only after the petitioner(s) decided to leave the job of the respondents, the grievance was raised before the Labour Court qua non-grant of wages as per recommendations of Majithia Wage Board, which is clear from the findings recorded in paragraph 23 of the Award as till the date of resignation, there was no dispute with the parties qua the wages being drawn by the petitioner(s).

13. Not only this, even after the resignation, the emoluments admissible to the petitioner(s) were accepted as full and final payment, which were calculated/assessed on the basis of the wages which the petitioner(s) were getting at the time of submitting their resignation on 07.03.2020. The copies of the said documents have also been produced on record by the respondents, which documents have gone un-rebutted at the hands of the petitioner(s). From the facts mentioned here-in-before, it is clear that the petitioner(s) accepted Clause 20(J) of the recommendations of the Majithia Wage Board to mean that either the old existing pay scale and the emoluments or the recommendations as per the Majithia Wage Board, will be applicable and not the beneficial wages, as being argued by them now.



14. After submitting the resignation, the petitioner(s) raised the grievance qua the grant of higher emoluments under the recommendations of the Majithia Wage Board and to interpret Clause 20(J) of Majithia Wage Board recommendations to mean that in case the emoluments being drawn by an employee were higher than the recommendations of the Majithia Wage Board, the same were to be retained and as the petitioner(s) were getting the lower emoluments, they were entitled for re-fixation of their salary under the recommendations of the Majithia Wage Board. The said dispute has rightly been adjudicated by the Labour Court to hold that once, the petitioner(s) never raised any grievance with regard to the non-grant of the wages under the recommendations of the Majithia Wage Board for a period of eight years after the acceptance and implementation of Majithia Wage Board recommendations and they resigned and settled their emoluments as a full and final payment, the same could not have been challenged subsequently. Once, there was no master and servant relationship between the petitioner(s) and the respondents at the time when the dispute was being raised and the dispute was being raised after a period of more than eight years of the acceptance of the recommendations of the Majithia Wage Board, the same was not admissible as being claimed by the petitioner(s).

15. The issue raised in the present petitions has been discussed in detail by the Labour Court and on the basis of facts and evidence, which had come on record, the lis was rightly decided to hold that once the petitioner(s) have themselves opted for the existing pay scale and emoluments under Clause 20(J) of the recommendations of the Majithia Wage Board, the



petitioner(s) could not have turned around to claim the wages under the Majithia Wage Board recommendations on the ground that the same were higher. The same needs no interference at the hands of this Court.

16. With regard to the reliance being placed on the judgment of the Allahabad High Court in *M/s Jagran Prakashan Limited (supra)*, it may be noticed that this Court does not accede to the view being taken by the Allahabad High Court. It may be noticed that the view taken by the Allahabad High Court is that the employees who were getting higher wages, were entitled to retain the same under Clause 20(J) of the recommendations of the Majithia Wage Board read with Sections 13 and 16 of the 1955 Act to mean that the employees were compulsorily to be paid the higher wages ignoring the option exercised by them.

17. It may be noticed that the said issue was raised before the Hon'ble Supreme Court of India as well. The Hon'ble Supreme Court of India in Contempt Petition titled as *Avishek Raj and others Vs. Sanjay Gupta*, 2017(8) SCC 435 has held that Clause 20(J) amounts to waiver which means that an employee can waive his right to claim wages under the recommendations of the Majithia Wage Board as accepted by the Government of India and notified in Gazette of India. The relevant paragraph 24 of the said judgment is as under :-

“24. Insofar as the highly contentious issue of Clause 20(J) of the Award read with the provisions of the Act is concerned it is clear that what the Act guarantees to each “newspaper employee” as defined in Section 2(c) of the Act is the entitlement to receive wages as recommended by the Wage



Board and approved and notified by the Central Government under Section 12 of the Act. The wages notified supersedes all existing contracts governing wages as may be in force. However, the Legislature has made it clear by incorporating the provisions of Section 16 that, notwithstanding the wages as may be fixed and notified, it will always be open to the concerned employee to agree to and accept any benefits which is more favourable to him than what has been notified under Section 12 of the Act. Clause 20(J) of the Majithia Wage Board Award will, therefore, have to be read and understood in the above light. The Act is silent on the availability of an option to receive less than what is due to an employee under the Act. Such an option really lies in the domain of the doctrine of waiver, an issue that does not arise in the present case in view of the specific stand of the concerned employees in the present case with regard to the involuntary nature of the undertakings allegedly furnished by them. The dispute that arises, therefore, has to be resolved by the fact finding authority under Section 17 of the Act, as adverted to hereinafter.”

18. A bare perusal of the above would show that the employees therein were claiming that the declaration taken from them to continue with existing emoluments was involuntarily and the same was referred for adjudication before the Labour Court under Section 17 of the 1955 Act. In case, it is to be accepted that as per the Hon’ble Supreme Court of India harmonious reading of Sections 13 and 16 of 1955 Act and Clause 20(J) of the recommendations of the Majithia Wage Board is to be done so as to grant higher wages to an employee, the Hon’ble Supreme Court of India would have granted the benefit to all irrespective of the fact as to whether, the



undertakings given were voluntarily or involuntarily. Nothing has come on record that benefit of wages under the recommendations of Majithia Work Board will be extended to an employee who had exercised option to continue with existing emoluments. The Hon'ble Supreme Court of India held that exercising option under Clause 20(J) amounts to waiver which clearly shows that the same is to be adhered to in case, the same has been exercised by an employee and in case the same is involuntarily, the employee has to avail the remedy under Section 17 of 1955 Act before the Labour Court.

19. In the present petitions, the petitioner(s) are not pleading that the undertakings given by them were involuntarily or forged. Further, there is no challenge to the said option exercised. It is also a conceded position that on the basis of old and existing emoluments being drawn by the petitioner(s) for a period of more than 08 years after revision of pay as per recommendations of Majithia Wage Board, full and final settlements have also been received by the petitioner(s). That being so, raising a dispute now, after the master and servant relationship between the petitioner(s) and respondents came to an end, has rightly been decided by the Labour Court.

20. Further, with regard to the argument of the learned counsel for the petitioner(s) that Clause 20(J) is to be interpreted to mean that wherever the emoluments being drawn by the employees was higher, the same can be retained. It may be noticed that the wording used in Clause 20(J) is not 'higher emoluments' but the same is 'existing emoluments'. The existing emoluments might be higher or might be lower but the option is to be exercised by the employee concerned as to whether to retain the 'existing



emoluments' or go with the recommendations of the Majithia Wage Board. Adding words 'Higher' and to ignore word 'existing' to Clause 20(J) is not permissible so as to interpret that the same and to accept the prayer of the petitioner(s) that Clause 20(J) was only applicable where the existing wages of an employee were higher so as to be retained. That being so, the benefit being sought by the petitioner(s) before the Labour Court as well as in the present petitions is not maintainable.

21. No perversity in the impugned Award has been brought to the notice of this Court keeping in view the facts and evidence which have come on record hence, the impugned Award passed by the Labour Court needs no interference at the hands of this Court.

22. Present petitions are dismissed.

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

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

February 24, 2025
kanchan

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No