

3. Learned counsel for the petitioner submits that non-allowing of the joining of her duties was contrary to the settlement Annexure P-1 hence, the award passed by the Labour Court dated 14.12.1998 (Annexure P-3) may kindly be set aside.

4. Learned counsel appearing on behalf of the respondents submits that when the claim petition was filed by the petitioner, a statement was made that the petitioner can come and continue with the service but she never came up and the said settlement was in the year 1985 wherein, the petitioner did not join the service and only filed an application after a period of 9 years for the payment of wages which was not accepted by the Labour Court, which clearly shows that the petitioner was never working with the respondent and the claim was made only for the payment of wages hence, the award dated 14.12.1998 (Annexure P-3) may kindly be upheld.

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

6. The reliance to claim the wages is based upon settlement Annexure P-1. As per the settlement Annexure P-1, the settlement is that the petitioner will report on duty from 18.04.1985.

7. It is a claim of the petitioner that the petitioner was not allowed to join therefore, the petitioner is entitled for salary whereas, the respondents are agitating that the petitioner never came to join the service hence, the question of salary does not arise.

8. Once, it is a conceded position that the petitioner had not worked hence, no salary can be paid. The concession given by the respondent to the petitioner vide Annexure P-1 was that she should join the service on 18.04.1985. Once, she never joined, the question of payment of

salary does not arise and the Labour court has rightly declined the same vide Award dated 14.12.1998 (Annexure P-3).

7. With regard to the argument as raised that the petitioner was not allowed to join the service, it may be noticed that the petitioner never agitated for the same. The settlement was made in April, 1985 and the petitioner did not raise any grievance till 1994 i.e. for a period of 9 years which clearly shows that the petitioner was never interested for joining the service rather she was only interested payment of wages.

8. Hence, at this stage, learned counsel for the petitioner submits that three application of the petitioner were allowed. Merely that the applications were allowed does not mean that same is binding precedent irrespective of the facts of the case.

9. No ground is made out for any interference by this Court in the facts and circumstances of the present case.

10. Present petition stands dismissed.

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

08-07-2025
Sapna Goyal

(HARSIMRAN SINGH SETHI)
JUDGE

NOTE: Whether speaking: YES
Whether reportable: NO