



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

**CR-1407-2023 (O&M)**  
**Date of decision : 23.09.2025**

MANAGING DIRECTOR, PUNJAB STATE CIVIL SUPPLIES CORP.  
LTD. AND ANR. ...Petitioners

Versus

VIJAY KUMAR AND ORS. ...Respondents

**CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN**

Present : Mr. Ashish Verma, Advocate  
for the petitioners.

Mr. Vishal Sodhi, Advocate  
for respondents No.1 to 7, 9 & 10.

**PANKAJ JAIN, J. (ORAL)**

Present revision petition is directed against order dated 21.07.2018 (Annexure P-2), order dated 05.12.2019 (Annexure P-4) and order dated 17.08.2021 (Annexure P-7).

2. The basic order is the one dated 21.07.2018 (Annexure P-2) whereby warrants *qua* attachment of property of JDs/petitioners, were issued. In the application seeking recalling of the same, order dated 05.12.2019 was passed which is also subject matter of challenge before this Court, annexed as P-4. Annexure P-4 was earlier challenged before this Court by way of CR No.1619 of 2021. Thereafter, JDs suffered another

order dated 17.08.2021 (Annexure P-7). Accordingly CR No.1619 of 2021 was withdrawn to incorporate challenge to Annexure P-7 as well.

3. The dispute has arisen out of reference under Section 10 of the Industrial Disputes Act, 1947 which culminated into Award dated 06.11.2015 passed by Industrial Tribunal, Amritsar. Decree Holder/respondent was held entitled to be regularized from the date his juniors were regularized. He was also held entitled to the pay-scale from the said date. However, monetary benefits w.r.t. backwages in the regular pay-scale were limited for three years only. JDs challenged the award passed by Industrial Tribunal before this Court by way of CWP No.23343 of 2016 which was dismissed vide order dated 17.02.2017, observing as under:

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Mr. Amarjit Singh, learned counsel appearing for the respondent-workmen draws attention of this Court to the findings of the learned Labour Court found paragraph 14 of the award found falling at page 47 to 49 of the paper-book. The contents are self speaking and paraphrasing might fail to bring out the impact on the mind and are therefore reproduced verbatim:-

“14. On the other hand on behalf of managements, RW1 Ashok Kumar has tendered his affidavit Ex.RW1, in which he has stated that he is working in the department of the last many years and his authority letter is Ex.R.1. The General Secretary of Manav Kalyan Union is not competent person to file the present case on behalf of the workers. He has further stated that the workers on whose behalf the union is contesting the present case, are daily wagers and there is no government policy that workers can be regularized. The last regularized policy was for the term of workers, who joined the service in the year 1994. The record pertaining to it is Ex.R.2. In his cross examination, he has stated

that he cannot tell whether in the year 2001 to 2003 there was policy to regularize the workers. He has admitted that in the notification Ex.R.2 at page no.6, there are instructions for regularization of the labourers. He has further stated that he has written to the department that the worker be regularized, but no action was taken by the department. He has admitted that in Ex.R2 at page no. 12 there is seniority list of Chowkidars and the names of these workers are also in the same. He has admitted that as per list, Harjinder Singh has joined on 24.03.1998. He was regularized. Sukhwinder Singh and Bakhsish Singh workers were regularized on the other [sic, 'order'] of the Hon'ble High court. He has further admitted that the workers, who have filed this case, are senior to the workers, who have filed this case, are senior to the workers who were regularized. Now, no post of Chowkidar is lying vacant. He further admitted that as per Ex.WX at page no.4, 22 posts of Chowkidars are still vacant. He further admitted that the workers, who were earlier employed in the year 1981 to 1983, were discharged in the year 1987 and they were again employed from 1994 to 1997.”

The Court is informed by the learned counsel for the respondent-workmen that not only one Harjinder Singh but there were others as well who got the benefit of regularisation the years 1998 and 2002 and who like the respondents were re-employed after termination.

There are 11 respondents in this petition. They were initially engaged as daily wage chowkidars by petitioner-PUNSUP. They were retrenched from service in 1994, 1995 and 1997. The dispute was espoused and raised by the union of workers with the management and referred in a single reference under Section 10 read with Section 2 (k) of the Industrial Disputes Act, 1947 for the benefit of 11 aggrieved workmen, respondents, in a joint demand notice served on PUNSUP. The Labour Court has awarded regularization from the date their juniors were regularized with back wages and regular pay scale for three prior years. The management has been directed to make payment of arrears to all the ten workmen along with interest at 6% per annum from the date of demand notice dated December 01, 2009 till its payment. The reference has been answered in favour of the workmen and against the petitioner. The reference itself was whether the 11

workmen mentioned in the demand notice are liable to be regularized. One of them was left out of the dispensation since he had attained the age of superannuation prior to the three years of the monetary relief allowed in the award as no relief could be granted to him.

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4. The order passed by the Writ Court was further affirmed in *Intra Court Appeal* i.e. LPA No.992 of 2017. Admittedly, SLP also stands dismissed.

5. In the execution petition, the Judgment Debtors attempted to deny the fruits of the decree to the petitioner, firstly, relying upon regularization orders pertaining to one Sukhwinder Singh and Bakhshish Singh, claiming that they were regularized only in the year 2007. Thus, the Decree Holder shall also be entitled for regularization from the said date only. However, when the Decree Holder pointed out that in terms of award, his case has to be treated at par with that of Harjinder Singh, who was appointed in the year 1998, JDs then tried to rely upon Annexure P-9. It was contended that Harjinder Singh was not junior to the Decree Holder since he was appointed way back on 15.07.1980.

6. Having heard counsel for the parties and after perusing the records of the case, this Court finds that once the JDs have suffered findings w.r.t. the case of the petitioner being at par with that of Harjinder Singh, the plea now raised in the execution petition disputing the said fact, shall amount to going beyond the decree. The same is not permissible in law.

7. In view of above, finding no merit in the present revision petition, the same is ordered to be dismissed.

8. Pending application, if any, shall also stands disposed off.

**September 23, 2025**

**(Pankaj Jain)**

**Dpr**

**Judge**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No