



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(203)

CWP No. 5941-2023 (O&M)

Date of Decision : 12.05.2025

Punjab State Civil Supplies Corporation Limited and others

...Petitioners

Versus

Presiding Officer, Industrial Tribunal, Bathinda and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Shiv Charan Bhola, Advocate for the petitioners.

Mr. P.K.S. Phoolka, Advocate for respondent No. 2.

Harsimran Singh Sethi J. (Oral)

1. In the present petition, the challenge is to the Award dated 19.12.2022 (Annexure P-3) by which, the respondent No. 2-employee has been held entitled for the salary/wages having worked on Saturdays, which otherwise is a holiday.

2. Learned counsel for the petitioner submits that respondent No. 2-employee was being paid a special amount of ₹200/- on account of him working on a holiday which was being accepted by the employee and, therefore, he could not have asked for the wages qua the said aspect hence, the grant of wages for Saturdays by Labour Court vide order impugned should not have been allowed.

3. Learned counsel appearing on behalf of respondent No. 2-employee submits that nothing has come on record to show that ₹200/- was being paid to the employee in lieu of working on a holiday. Learned counsel



submits that no such document was brought on record which could substantiate the assertion of petitioner-department hence, the assertion of petitioner-department that the employee was being given the grant of ₹200/- and that the same was in lieu of working on holidays, is incorrect.

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

5. An employee is entitled for the wages in case, he/she is being made to work on holidays. Once, the respondent No. 2-workman was being made to work on a holiday, he was entitled for the wages for the same, which has rightly been granted by the Labour Court in its order impugned. The only objection being taken by counsel for the petitioner-department is that the employee was already being given ₹200/- special allowance per month on account of his working on holidays. Nothing has come on record to show that the said allowance was for working on a holiday. In the absence of any such evidence brought on record, the contention that payment of ₹200/- to the workman was in lieu of working on a holiday cannot be accepted so as to set-aside the Award.

6. The Award can only be set-aside on the ground that the Award is perverse to the facts and material that has come on record, nothing has been brought to the notice of this Court which could show that the Award in question is perverse either on facts or evidence that has come on record and prayer of the petitioner to set-aside the Award impugned cannot be accepted, hence, the Award dated 19.12.2022 (Annexure P-3) is upheld.

7. At this stage, learned counsel for respondent No. 2-workman submits that petitioners be directed to grant the respondent No. 2-workman



the benefit of the working on Saturdays. Nothing has come on record which would show as to on which Saturday, the respondent No. 2-workman had worked. In case, the respondent No. 2-workman had worked on any such holiday/Saturday, he can raise the grievance qua the same by filing an application under Section 33 of Industrial Disputes Act, 1947 and prove that he had worked on a holiday so as to claim the wages qua the same.

8. Petition is disposed of in above terms.
9. Pending miscellaneous application, if any, also stands disposed of.

May 12, 2025
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No