

(2000) 11 P&H CK 0264

High Court Of Punjab And Haryana At Chandigarh

Case No: Civil Writ Petition No. 6102 of 1983

Shangare Singh

APPELLANT

Vs

Punjab Agro Industries
Corporation Ltd., Ludhiana

RESPONDENT

Date of Decision: Nov. 1, 2000

Acts Referred:

- Constitution of India, 1950 - Article 226
- Industrial Disputes Act, 1947 - Section 33

Hon'ble Judges: S.S. Sudhalkar, J

Bench: Single Bench

Advocate: Parminder Singh, for the Appellant;

Final Decision: Allowed

Judgement

@JUDGMENTTAG-ORDER

S.S. Sudhalkar, J.

By this petition, workman is challenging the award of the Labour Court, dated 12.11.1982 (copy Annexure P/2) which it has passed u/s 33-C(2) of the Industrial Disputes Act (hereinafter referred to as the Act). Earlier the services of the petitioner was terminated but he was reinstated by the order of the Labour Court. The petitioner did work thereafter. The question of pay is for the period 15.9.1981 to 31.10.1981. the Labour Court has awarded the pay for the above period at the rate of Rs. 243.75 per month. The petitioner states that his pay should be calculated at the rate of Rs. 400/- per month. The petitioner contends that he was reinstated as Mechanic Grade II. The Labour Court has held that he was apprentice Mechanic and, therefore, given the pay at lesser rate.

2. Counsel for the petitioner has drawn my attention to the impugned order of the Labour Court in which it has been mentioned that as per the written statement, petitioner was reinstated as Mechanic Grade II. A copy of the written statement filed

before the Labour Court is also produced in this case. Respondent-employer has stated that in pursuance of the award, the petitioner joined as Mechanic Grade II. In para 9 of the writ petition, it has been stated by the petitioner that before termination of the service, he was drawing Rs. 424/-per month and after reinstatement his pay cannot be reduced and all Mechanics Grade II are drawing the pay in the pay scale Rs. 400-600 and the pay of the petitioner cannot be less than Rs. 480/- per month. In reply to that para, it has not been denied by the respondent that the petitioner was drawing Rs. 424/- per month and in the pay scale of Rs. 400-600, he will be entitled to Rs. 480/-. As a result, there is no reason to disbelieve the petitioner on this point. The rate of pay should be treated as Rs. 480/- per month and the amount should be calculated at that rate.

3. In the result, this petition is allowed. The pay of the petitioner be calculated by respondent No. 1 for the period from 15.9.1981 to 31.10.1981 at the rate of Rs. 480/- per month. If any amount has been paid to the petitioner in compliance with the impugned award, the said amount be given credit of.

4. Petition allowed.