

Joginder Singh Vs State of Punjab

Court: High Court Of Punjab And Haryana At Chandigarh

Date of Decision: May 18, 2001

Acts Referred: Constitution of India, 1950 " Article 226

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

Bench: Single Bench

Advocate: Harinder Sharma, for the Appellant; S.K. Bhatia, DAG, for the Respondent

Final Decision: Dismissed

Judgement

S.S. Sudhalkar, J.

The petitioner was working as a Driver when his services were terminated by the respondents. He raised an industrial dispute which was referred to the Labour Court and the Labour Court, by its award dated 9.2.1989, ordered his reinstatement with continuity of

service and full back wages. After this order, the respondents by order dated 13.9.1989, copy Annexure P6, instead of appointing the petitioner

as a Driver, appointed him as Assistant Foreman (Work Charge) in his own pay scale of Driver. Subsequently, on 6.2.1996 by order, Annexure

P7, the petitioner was appointed as Assistant Foreman against vacant post. It is mentioned that he was appointed on promotion and in the pay

scale of Rs. 950-1800. The contention of the learned counsel for the petitioner is that though the word "promotion" was mentioned, the pay scale

given to him was lower than the pay scale he was earlier having as that of a Driver. Subsequently, on 23.6.1998 the post of Driver was sanctioned

and respondent No. 5 was appointed as a regular Driver.

2. But this writ petition, the petitioner prays that the award of the Labour Court dated 9.2.1989 has not been implemented as he was not

appointed as Driver and now he should be appointed as Driver. It is noteworthy that no representation before 23.6.1998 is available for perusal

which goes to show that till the regular post of Driver was sanctioned and filled up, the petitioner did not find it proper to make any move for being

reinstated as a Driver instead of as a Foreman. The post sanctioned on 23.6.1998, as per the statement of the learned counsel or the petitioner, is

a permanent post of Driver. Learned counsel has, on query, stated that before the termination of his services as Driver, the post which the

petitioner was holding was of workcharged Driver in the pay scale of Rs. 950-1200. It is too late for the petitioner now to raise a dispute after

about ten years that the award is not implemented. He did not raise any dispute when he was asked to join as a Foreman. He did not raise any

dispute when in the years 1989, according to him, he was appointed on a lower pay scale. It is not shown as to how the petitioner can get a right

on the post of a permanent Driver when he was earlier working on 89 days basis.

This writ petition is filed at a belated stage when the post of permanent Drivers was sanctioned.

In view of all the above reasons, this writ petition is dismissed.

3. Petition dismissed.