
(1996) 09 P&H CK 0020
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No. 15959 of 1993

Surinder Singh

APPELLANT

Vs

The Doaba Worsted Spinners Limited and Another

RESPONDENT

Date of Decision : 09-09-1996

Acts Referred:

Industrial Disputes Act, 1947 — Section 33C(2)

Citation : (1997) 115 PLR 120

Hon'ble Judges : T.H.B. Chalapathi, J

Bench : Single Bench

Advocate : Hardip Singh, for the Appellant; Vinod Sharma, for the Respondent

Final Decision : Dismissed

Judgement

T.H.B. Chalapathi, J.—In this writ petition the petitioner is challenging the order of the Labour Court dated 26.5.1993.

2. According to the petitioner he was appointed in the 1st respondent-Company as Accounts Assistant on 6.12.1988 for a period of 89 days initially and his services were extended from time to time and he remained in service upto September 13, 1990. Thereafter his services were retrenched. Subsequently, he filed an application in the Labour Court u/s 33-C(2) of the Industrial Disputes Act and the said application was dismissed by the Labour Court on the ground that he was not entitled to the revised pay scales of PUNTEX. According to the petitioner, he worked in the Doaba Worsted Spinners Limited, respondent No. 1. In the said Company, the pay scales and the service conditions of the employees are governed by bye-laws of the Punjab Handlooms & Textile Development Corporation Limited (for short the "PUNTEX") as the said Company was Holding Company of the 1st Respondent-company. It is further the case of the petitioner that the Punjab Government revised the pay-scales of its employees with effect from 1st January, 1986 and PUNTEX also adopted the revised pay scales of the Punjab Government for the employees of the PUNTEX. As the 1st respondent was governed by the bye-laws of PUNTEX, the petitioner is entitled to the same scale

of pay as was given to the employees of the PUNTEX which stood revised w.e.f. 1.1.1986. According to the petitioner during the period he worked, he was given the salary in the pay-scale of Rs. 510-800 and it was revised to Rs. 1200-2100. Therefore, the petitioner claims the pay-scale on par with the employees of the PUNTEX.

3. It is to be seen whether the employees of the 1st respondent-Company are entitled to the pay-scales given to the employees of the PUNTEX. There is no dispute that the 1st respondent is subsidiary company of PUNTEX. The only point for consideration is whether the employees of the subsidiary company are entitled to the pay-scales on par with the Holding Company namely PUNTEX. There is also no dispute about the fact that the 1st respondent-Company has not adopted the pay-scales either of the Punjab Government or of PUNTEX. Though the PUNTEX is a Holding Company, the 1st respondent is a separate, different, distinct entity in the eyes of law. It is open to the 1st Respondent either to adopt the pay-scales of the Government or of PUNTEX. Simply because the 1st respondent-Company has adopted the bye-laws of PUNTEX, it cannot be said that the 1st respondent-Company is governed by the pay-scales of PUNTEX. Further the Labour Court acting u/s 33-C(2) of the Industrial Disputes Act cannot determine the status of the workman on making an investigation whether the petitioner is entitled to scale of pay on par with the employees of the Government or of PUNTEX. As held by a Division Bench of this Court in *Gurminder Singh and Others Vs. Batala Co-operative Sugar Mills Ltd. and Another*, it is only the pre-existing rights which can be agitated before the Labour Court u/s 33-C(2) of the Act and wherever it might be a question of determination of rights of the workmen, necessarily a reference has to be sought under the Act. The proceedings u/s 33-C(2) of the Act are in the nature of quasi-judicial proceedings. Therefore, in the application u/s 33-C(2), the Labour Court cannot decide whether the petitioner is entitled to higher scale of pay as was given to the employees of the Punjab Government or PUNTEX.

4. In the light of the above discussion, I do not find any illegality or infirmity in the order passed by the Labour Court. The writ petition, therefore, deserves to be dismissed and it is, accordingly, dismissed. There will be no order as to costs.