



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

CWP-19573-2016 (O&M)
Date of decision: 23.04.2026

The Tarn Taran Central Co-operative Bank Limited, Tarn Taran
....Petitioner

Versus

The Presiding Officer, Industrial Tribunal, Amritsar, and others
....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Veneet Sharma, Advocate,
for the petitioner.

Mr. Raj Kaan Singh Verka, Advocate,
for respondent No.2.

KULDEEP TIWARI, J. (Oral)

1. The Management, through the instant writ petition, as cast under Articles 226/227 of the Constitution of India, is before this Court against the order dated 02.12.2025 (Annexure P-2), vide which, an application under Section 33-C(2) of the Industrial Disputes Act, (for short, 'the Act'), preferred by the respondent-workman, was allowed, holding him entitled to salary from 26.11.2007 in the pay scale of Rs.2520-100-3220-110-3660-120-4140, as per appointment letter (Ex.AX). Further, the bank was also directed to remit the difference of salary, which was being paid to the workman.

2. Learned counsel for the petitioner-Management submits that neither there was any pre-existing right, nor was any calculation available, which vested the jurisdiction in learned Tribunal to adjudicate the application filed under Section 33-C(2) of the Act. In this regard, he relies upon a ruling of the **Hon'ble Supreme Court in Municipal Corporation of Delhi Vs. Ganesh Razak, 1995 (1) SCC 235.**



3. This Court has heard learned counsel for the contesting parties, and has gone through the record.

4. In the instant matter, respondent No.2-workman filed an application under Section 33-C(2) of the Act, asserting that he was appointed on *ad hoc* basis, as Mali on a monthly lump sum pay of Rs.3,739/-, in terms of the appointment letter dated 26.11.2007, issued by the District Manager. Thereafter, he was regularized in the pay scale of Rs.2520-100-3220-110-366-120-4140, with minimum start of Rs.2620/-, per the terms and conditions of the appointment letter. However, since post regularization he was not paid the wages, he was compelled to file the application in question. After analyzing the matter in issue and hearing the parties, the learned Tribunal concluded that the workman, in sync with the appointment letter, was entitled for the regular pay scale, as demonstrated above.

5. *Ex facie*, the appointment letter unambiguously spelt out that the workman was appointed as Mali on regular basis in the pay scale of 2520-100-3220-110-366-120-4140, with minimum start of 2620 grade. The relevant part of the appointment, in this regard, is as under:-

“I had appointed Shri Des Raj son of son of Shri Kesar Singh as Mali vide letter no. 3805 dated 26.06.2006 and the letter no. DN/357-411 dated 24.05.2006 Sr. No.4 Clause 1 of the Deputy Commissioner@ 3739/- rupees per month on Ad-hoc fixed salary. Now considering your representation since your work is satisfactory and you have been working for almost one year and four months, as per the powers given in rule 44b of the bye-laws of the Bank, you are appointed as Mali on regular basis in the pay scale of 2520-100-3220-110-3660-120-4140 start of 2620 grade on the following conditions:-

- 1) That this appointment shall be as per the Punjab State Cooperative Financing Institutions Service Rules, 1958.*
- 2) That before coming present on duty, you shall have to deposit an amount of Rs. 500/- in cash as security.*



- 3) *That you shall have to produce a fitness certificate from a Government Hospital by at least an Asstt. Surgeon.*
- 4) *You shall have to give two postcard and two passport size photographs after getting the same attested from the Gazetted Officer.*
- 5) *That in case you have received any education then you shall have to produce certificate of the same and in case any defect is found in the same, then your appointment shall be cancelled.*
- 6) *That in case he want to leave the service then you shall have to give three months advance notice or deposit three months salary in lieu thereof.*
- 7) *That you shall have to furnish an affidavit with the following information:*
 - a) *There is Court/ police case pending against you in any court or police station.*
 - b) *That you have not been convicted by any court on account of moral turpitude.*
 - c) *That you are not related to any Director, Bank official.*
 - d) *That you have not been dismissed by any Government, Commercial institution, Government Board or Corporation. In case, the aforesaid conditions mentioned with are acceptable to you then within seven days the necessary documents you along report to the Head Office of the Bank and in case of not doing so, this appointment shall be considered as cancelled.”*

6. A perusal of the abovesaid contents of the appointment letter clearly establishes the pre-existing right being possessed by the petitioner, owing to which, the application in question was filed. In this view of the matter, this Court is of the considered view that the learned Tribunal committed no error of law, while granting the relief to the workman. So far as the judgment in **Ganesh Razak (supra)**, is concerned, the same is apparently distinguished, and thus, is not applicable to the facts of the present case. In the said case, the workmen, who were daily-rated/casual workers, were claiming the pay parity with their regular counterparts. On the other hand, in the present case, post



regularization, the workman was being deprived of the admissible benefits.

7. In the wake of the above, this Court is of the affirmed view that no interference is warranted. Accordingly, the instant writ petition is dismissed.

(KULDEEP TIWARI)
JUDGE

23.04.2026
Ak Sharma

Whether speaking/reasoned	Yes
Whether reportable	Yes/No