

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(111)

CWP No. 3236 of 2020

Date of Decision : 06.02.2020

Iqbal Singh Sethi

....Petitioner

Versus

Panjab University, Chandigarh and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Dinesh Kumar, Advocate for the petitioner.

Harsimran Singh Sethi, J. (Oral)

In the present writ petition, the grievance, which is being raised by the petitioner is that he is entitled for the proper fixation of pay and the release of the dues to him as per the Award passed by the Labour Court in Reference No. 270 of 1994, decided on 11.06.1998.

Learned counsel for the petitioner contends that the benefits, which accrue to the petitioner under the said Award, are being illegally denied to him and the respondents have passed an order dated 28.08.2018 (Annexure P-8) stating that it is not possible to re-open the case for the fixation of pay of the petitioner w.e.f. 01.09.1986 and 01.01.1996.

Prayer of the petitioner in this writ petition is for directing the respondents to implement the Award passed by the Labour Court, U.T. Chandigarh dated 11.06.1998, which according to him is yet to be fully implemented and respondents are refusing to grant the petitioner the benefit for which he is entitled to under the Award dated 11.06.1998.

In case the petitioner has any grievance in respect of the non-implementation of the Award, he has a remedy provided under the Industrial

Disputes Act, 1947 for the same. Section 33-C provides for method of implementation of the Award. Section 33-C of 1947 Act is as under:-

“[33C-3. Recovery of money due from an employer.-

(1) Where any money is due to a workman from an employer under a settlement or an award or under the provisions of ¹⁴[Chapter VA or Chapter VB], the workman himself or any other person authorised by him in writing in this behalf, or, in the case of the death of the workman, his assignee or heirs may, without prejudice to any other mode of recovery, make an application to the appropriate Government for the recovery of the money due to him, and if the appropriate Government is satisfied that any money is so due, it shall issue a certificate for that amount to the Collector who shall proceed to recover the same in the same manner as an arrear of land revenue:

Provided that every such application shall be made within one year from the date on which the money became due to the workman from the employer:

Provided further that any such application may be entertained after the expiry of the said period of one year, if the appropriate Government is satisfied that the applicant had sufficient cause for not making the application within the said period.

(2) Where any workman is entitled to receive from the employer any money or any benefit which is capable of being computed in terms of money and if any question arises as to the amount of money due or as to the amount at which such benefit should be computed, then the question may, subject to any rules that may be made under this Act, be decided by such Labour Court as may be specified in this behalf by the appropriate Government; ¹⁵[within a period not exceeding three months:]

¹⁶[Provided that where the presiding officer of a Labour Court considers it necessary or expedient so to do, he may, for

reasons to be recorded in writing, extend such period by such further period as he may think fit.]

(3) For the purposes of computing the money value of a benefit, the Labour Court may, if it so thinks fit, appoint a commissioner who shall, after taking such evidence as may be necessary, submit a report to the Labour Court and the Labour Court shall determine the amount after considering the report of the commissioner and other circumstances of the case.

(4) The decision of the Labour Court shall be forwarded by it to the appropriate Government and any amount found due by the Labour Court may be recovered in the manner provided for in sub- section (1).

(5) Where workmen employed under the same employer are entitled to receive from him any money or any benefit capable of being computed in terms of money, then, subject to such rules as may be made in this behalf, a single application for the recovery of the amount due may be made on behalf of or in respect of any number of such workmen.”

A bare perusal of the above reproduction would show that petitioner has an effective remedy available to him for the redressal of his grievance. That being so, petitioner cannot approach this Court for execution of the Award passed by the Labour Court. This writ petition is held to be non-maintainable at this stage and petitioner is directed to avail his remedy under the provisions of the Industrial Disputes Act, 1947 in case he feels that the Award dated 11.06.1998 passed in his favour, is not being implemented by the respondents.

Dismissed.

February 06, 2020
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? Yes
Whether reportable? Yes