

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C.) No. 18213/2006**
% **Date of Decision: 25th September, 2009**
KHADI GRAMUDYOG BHAWAN PETITIONER
! Through: Mr. Jagat Arora , Advocate
VERSUS
\$ BHIM SINGH BAJELI RESPONDENT
^ Through: Mr. D.S. Bora, Advocate.

CORAM:
Hon'ble MR. JUSTICE S.N. AGGARWAL

1. Whether reporters of Local paper may be allowed to see the judgment? **No**
2. To be referred to the reporter or not? **No**
3. Whether the judgment should be reported in the Digest? **No**

S.N.AGGARWAL, J (ORAL)

The management of Khadi Gramudyog Bhawan, in this writ petition seeks to challenge an order dated 10.05.2006 passed by CGIT, New Delhi awarding an amount of Rs. 58,889/- in favour of respondent workman under Section 33-C(2). This amount has been awarded to the workman on account of difference of salary for the period from January 1987 to July 1997 in terms of award dated 29.10.1986 passed by the Industrial Adjudicator in I.D. No. 169/1983 as modified vide order dated 24.02.1987.

2. Vide industrial award dated 29.10.1986 as modified vide order dated 24.02.1987, the respondent workman was held entitled to grade of Rs. 100-150 w.e.f. 15.12.1962; grade of Rs. 125-255 w.e.f. 01.10.1963 and grade of Rs. 330-560 w.e.f. 01.01.1973. Consequent upon award of these grades in favour of the respondent workman, there was dispute between the parties regarding computation of arrears due and drawn by

the workman. The respondent workman was paid an amount of Rs. 62,633/- on account of arrears (Rs. 60,980/- vide cheque dated 28.06.1997 and the second Rs. 1,653/- vide cheque dated 28.08.1997) of difference of salary for the period from January 1987 to July 1997. This amount was received by the workman under protest as is so mentioned in the receipts executed by him which are at pages 92-93 of the Paper Book. Since according to the respondent workman some more amount was payable to him on account of arrears for the period from January 1987 to July 1997, he filed a Legal Claim Application being L.C.A. No. 65/1997 under Section 33-C(2) before the CGIT and had claimed an amount of Rs. 28,930.35/- more as arrears of salary due to him. The respondent workman along with his L.C.A. No. 65/1997 had filed a chart of computation to show how the amount of Rs. 28,930.35/- more was due to him on account of arrears of salary for the period from January 1987 to July 1997 and that chart is at page 53 of the Paper Book.

3. Mr. Jagat Arora, learned counsel appearing on behalf of the petitioner, has argued that the Court below has overlooked the own claim of the respondent workman in which he has made only a claim of Rs. 28,930.35/- more on account of arrears of the difference of salary for the period from January 1987 to July 1997 and has awarded an amount of Rs. 58,889/- in his favour without their being any material to support the said amount.

4. On being repeatedly asked, Mr. D.S. Bora, learned counsel appearing on behalf of the respondent workman, could not point out from the record as to how the amount of Rs. 58,889/-, as awarded by the CGIT in favour of his client, was due to him.

5. Since the respondent workman himself has claimed an amount of Rs. 28,930.35/- on account of arrears of salary for the period from

January 1987 to July 1997, the Court below has exceeded its jurisdiction in awarding an amount of Rs. 58,889/- in favour of the respondent workman without laying any foundation for the same. The impugned order to that extent needs to be modified as it has been passed overlooking the own claim of the respondent workman mentioned in the chart annexed along with the claim application.

6. For the foregoing reasons, this writ petition is partly allowed. The impugned award is modified to the extent that the petitioner shall be liable to pay only an amount of Rs. 28,930.35/- to the respondent workman in stead of Rs. 58,889/- awarded to him in the impugned order on account of arrears of salary for the period from January 1987 to July 1997. The arrears, as ordered, be paid by the petitioner to the respondent workman within three weeks.

This writ petition stands disposed of in terms referred above.

SEPTEMBER 25, 2009
'BSR'

S.N.AGGARWAL, J