

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR**

WP(C) 2293/2024 c/w
(i) **WP(C) 2292/2024**
(ii) **WP(C) 2780/2024**
(iii) **WP(C) 2781/2024**
(iv) **WP(C) 2782/2024**
(v) **WP(C) 2796/2024**
(vi) **WP(C) 2797/2024**
(vii) **WP(C) 2798/2024**

Managing Director JK RTC And ...Petitioner(s)
Ors.

Through: Mr. Shaqir Haqani, Advocate.

Vs.

Zahoor Ahmad Dar. ...Respondent(s)

Through: Mr. Sami Sabir Lone, Advocate.

CORAM:

HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE.

ORDER

16.10.2025

01. All these clubbed writ petitions emanate from a common nature of adjudication made by the Jammu & Kashmir Industrial Tribunal cum Labour Court when it came to entertain the applications filed by individual employees of the Jammu & Kashmir Road Transport Corporation (JKSRTC) in which a dual claim was registered for payment of interest on leave salary and release of the sanctioned gratuity.

02. Both the claims *per se* did not fall within the domain of Industrial Disputes Act, 1947 and the adjudicatory authority constituted thereunder i.e. Industrial Tribunal cum Labour Court, Srinagar given the fact that in the matter of payment of gratuity, it is the Payment of Gratuity Act, 1972 and the Adjudicatory Authority constituted thereunder which is competent to entertain the matters related to gratuity claim of an employee against the employer and in the matter of interest on leave salary component, it is the Payment of Wages Act, 1936 which was supposed to be referred to by the claimants before the respective authority other than Industrial Tribunal to claim the relief.

03. An Industrial Tribunal cum Labour Court under the Industrial Disputes Act, 1947 does not have original jurisdiction to entertain a cause unless and until there is a reference made by the Government, be it State or Central as the case may be, considering the nature of employment and, therefore, the Jammu & Kashmir Industrial Tribunal cum Labour Court was misplaced in entertaining the applications made by the individual

workmen/employee of the Jammu & Kashmir Road Transport Corporation and deal and decide the respective claims to come up with the impugned orders/awards.

04. In the light of the above background, this Court sets aside the impugned orders/awards as challenged in these writ petitions without prejudice to the right of the private respondents as being the former employees of JKRTC to approach the appropriate authorities with their respective claim be it for the payment of interest on the gratuity amount paid late by the JKRTC if there is any such delay and if the delay earns the interest component in favour of the claimants.

05. All consequential orders/awards are also hereby set aside.

06. Similarly, if any interest is payable on the delayed leave salary paid individually to the private respondents, then also the appropriate authority to consider the same by overlooking the time factor which has been spent during the pendency of the matter before the Jammu & Kashmir Industrial

Tribunal cum Labour Court as well as in these writ petitions.

07. If any application is made by the respondents for payment of interest component, then the authority concerned to deal with the matter expeditiously and preferably within a period of six months from the date of filing of such application/s.

08. All the writ petitions are accordingly **disposed of** in the manner as indicated above.

09. A copy of this order be placed on the record of each file.

SRINAGAR:
16.10.2025
"HAMID"

