

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No.13535 of 2025
Date of Decision: 08.09.2026

The Engineer-in-chief, Lok Nirman Bhawan & Anr.

.....Petitioners

Versus

Naresh Kumar & Ors.

.....Respondents

Coram

Hon'ble Mr. Justice Sandeep Sharma, Judge.

Whether approved for reporting?

For the Petitioners: Mr. Rajan Kahol & Mr. Vishal Panwar,
Additional Advocates General with Mr. Ravi
Chauhan & Mr. Anish Banshtu, Deputy
Advocates General.

For the respondents: Mr. Ankit Chandel, Advocate.

Sandeep Sharma, J. *(Oral)*

Being aggrieved and dissatisfied with award dated 31.10.2023 passed by the learned Labour Court-cum-Industrial Tribunal, Kangra at Dharamshala, H.P., whereby an application filed by the respondent-workmen under Section 33-C(2) of the Industrial Disputes Act, 1947 (hereinafter 'Act') came to be partly allowed, petitioners have approached this Court in the instant proceedings filed under Article 226 of the Constitution of India, praying therein to set aside the aforesaid award.

2. Having heard learned counsel for the parties and perused the material available on record, this Court finds that respondents had

filed a claim petition before the learned Labour Court, stating therein that they were engaged by the petitioners on a daily-wage basis on muster roll during the years 1998–2000. They further claimed that they worked continuously till 08.02.2005 and 07.07.2005, whereafter their services were illegally terminated by the petitioners (employer) w.e.f. 09.02.2005 and 08.07.2005, respectively.

3. Learned Labour Court, having taken note of pleadings as well as the evidence led on record by the respective parties, proceeded to pass an award dated 30.04.2016, accepting the claim of the respondents. In terms of the award, the respondents herein were reinstated on a daily-wage basis and subsequently, their services were regularized w.e.f. 27.11.2018 as Beldars.

4. Respondents filed an application under Section 33-C(2) of the Act with the grievance that petitioners (employer) had not paid them arrears amounting to ₹1,62,131/-, ₹81,593/-, ₹1,13,309/-, and ₹84,019/-, respectively, w.e.f. 27.11.2018 till the date of their prospective realization.

5. Petitioners, while refuting the aforesaid claim of the respondents, submitted before the learned Labour Court that respondents had been given benefits on a notional basis w.e.f. 27.11.2008 and on an actual basis w.e.f. 15.10.2013 under Office Order dated 05.07.2017 and as such, they were not entitled to arrears as claimed w.e.f. 27.11.2008 till the date of their actual joining in the

department. Petitioners further pleaded that they were liable to pay arrears amounting to ₹1,62,131/-, ₹81,593/-, ₹1,13,309/-, and ₹84,019/-, respectively, w.e.f. October 2010 to 14.10.2013, and in that regard, vide letters dated 16.03.2020 and 25.02.2020, the matter had been taken up with the higher authorities.

7. The learned Labour Court-cum-Industrial Tribunal, after having considered the respective stands of the parties, held that the petitioners had taken the plea that the respondents/workmen had not worked from 27.11.2008 and were thus not entitled to arrears from 27.11.2008. It further held that petitioners would be liable to pay arrears to the respondent-workmen only for the period from October 2010 to 14.10.2013.

8. Since the petitioners themselves admitted that they were liable to pay the workmen for the aforesaid period from October 2010 to 14.10.2013, payable amount was also quantified by the petitioners because the petitioners themselves admitted their liability to pay arrears to the respondent-workmen for that specific period (i.e., October 2010 to 14.10.2013) and quantified the said liability, no illegality can be said to have been committed by the learned Labour Court-cum-Industrial Tribunal in allowing the application moved by the respondent-workmen under Section 33-C(2) of the Act, thereby directing the petitioners to pay that very sum to different workmen as was quantified by them, along with interest at the rate of 9% per

annum from the date of filing of the application till realization of the amount.

9. Since the liability to pay the respondent-workmen for the period from October 2010 to 14.10.2013 as quantified by the petitioners stood admitted, there appears to be no justification to interfere with the impugned order passed by the learned Presiding Officer, which appears to be based upon a proper appreciation of the pleadings as well as other material adduced on record.

10. Consequently, in view of the above, the present petition is dismissed. Pending application(s), if any, also stand disposed of.

**(Sandeep Sharma)
Judge**

**September 08, 2026
(sunil)**