

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.13066 of 1993

Date of Decision: 03.12.2015

Executive Engineer, Anandpur Sahib
Hydel Construction

... Petitioner

Versus

Presiding Officer, Labour Court,
Patiala and another

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. J.P.S. Sandhu, Advocate,
for the petitioner.

Mr. S.P. Thukral, Advocate.

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RAJIV NARAIN RAINA, J.

1. No ground for interference is made out in this petition challenging the order of the Labour Court, Patiala dated August 20, 1993 passed under section 33-C (2) of the Industrial Disputes Act, 1947 (brevity "the Act"). The Labour Court has satisfied itself on the evidence presented by the parties before it that the workman had 119 days of earned leave to his credit the monetary value of which has not been paid and, therefore, he is entitled to Rs.10,322/- from the management in lieu of unavailed earned leave available at the time of retirement. The amount computed is legally due to the workman and has not been paid in view of the stay orders passed by this Court. It is well settled that where stay orders are passed they are interim arrangements and in the final dispensation, the Court can consider

relief such as grant of interest on amounts dues with the right recognized with effect from the date of the order dated August 20, 1993.

2. Therefore, while dismissing this petition, this Court orders that the amount of Rs.10,322/- directed to be disbursed to the respondent workman will carry 6% interest from the date of retirement of the respondent-workman till realization because unavailed earned leave was a rightful due to be paid on the date of retirement as a one time payment with no recurring liability or impact on pay, pension and pensionary dues. It may be noted that the workman retired on March 31, 1990 when he reached the age of 60 years as per Certified Standing Orders of the Anandpur Sahib Hydel Project, Ropar. The stay order does not have the effect of taking away rights which lie dormant till vacated.

3. Accordingly, this petition is dismissed. The impugned order is upheld and the direction to pay interest @6% per annum will be treated as a debt against the petitioner due to the workman. The amount be calculated and paid to the workman within two months from the date of receipt of certified copy of this order. The amount may either be satisfied directly with the workman or it may be deposited before the Labour Court, Patiala who is directed to issue notice to the workman to come forward and claim the amount after verifying the identity of the claimant.

(RAJIV NARAIN RAINA)
JUDGE

03.12.2015
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