

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.15130 of 1993

Date of Decision: 04.12.2015

General Manager, Haryana Roadways,
Hisar and another

... Petitioner

Versus

The Presiding Officer, Labour Court,
Hisar and another

... Respondents

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

Present: Mr. J.S. Bedi, Addl. AG, Haryana.

Mr. Ranjit Saini, Advocate,
for Respondent-2.

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

RAJIV NARAIN RAINA, J.

1. Having regard to the suggestions made by the Lok Adalat in its order dated February 22, 1999 and the fact that it was conscious that a question of law no doubt arose whether the relief could have been allowed under section 33-C (2) of the Industrial Disputes Act, 1947 (for brevity the 'ID Act') which went straight to the root of maintainability and jurisdiction of the application but yet the Lok Adalat in its wisdom thought that the amount of Rs.1780/- involved in the *lis* is quite petty and the workman-driver has been hassled for such a meagre amount ordered to be recovered from his wages on account of accidental damage caused to the window panes of the bus he was driving for the Haryana Roadways. Lok Adalat had advised the petitioner-management to refund an amount of Rs.1780/- and

effect a settlement. The Lok Adalat advised the workman to give up interest granted @12% per annum in his favour by the Labour Court. This was in the pious hope of the Lok Adalat that the settlement would bring peace and harmony between the parties. The matter thus was adjourned to March 15, 1999 to try and effect a compromise. However, the effort failed and the matter was sent back to court for decision on merits on April 23, 1999 where the matter has rested till it has come up for final disposal today.

2. This Court asked Mr. Saini if 12% interest were calculated on the amount of Rs.1780/- w.e.f. June 03, 1991 i.e. the date of application till realization then what would the total add up to. The answer is Rs.7120/- as on today. This sum of money is also a trifling amount and appears insufficient to ignite the high prerogative writ jurisdiction of the High Court even while judicially reviewing the order of the Labour Court against which the petition was admitted on December 08, 1993 to be heard within six months. Neither of the parties can be faulted for the delay in disposal of the case which is the result of huge pendency of cases and mounting arrears beyond the control of anyone associated with the process of the law. It is not necessary to pass an order only because it is lawful to do so. The jurisdiction provided by Article 226 is discretionary in nature and is meant to avert injustice or a serious miscarriage of it.

3. This Court thus deems it proper not to interfere in such a petty matter and therefore without going into the question of maintainability and of jurisdiction vesting in the Labour Court to have passed the impugned order, this petition is declined. However, the decision to dismiss the petition after long pendency will not be treated as a precedent on the question of law

raised by State in this matter that there existed no pre-existing right for the workman to have enforced in a claim application under Section 33 C (2) of the ID Act, which issue is left open. The amount of Rs 7120/- recovered from the respondent driver be refunded to him within two months.

(RAJIV NARAIN RAINA)
JUDGE

04.12.2015
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