

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.4767 of 1993 (O&M)

Date of Decision: 01.12.2015

Haryana Co-operative Sugar Mills Ltd., Rohtak

... Petitioner

Versus

Presiding Officer, Industrial Tribunal
cum Labour Court, Rohtak and another

... Respondents

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

Present: Mr. P.K. Mutneja, Advocate,
for the petitioner.

None for the respondents.

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

RAJIV NARAIN RAINA, J.

1. The controversy involved in this matter arising out of proceedings under section 33-C (2) of the Industrial Disputes Act, 1947 is no longer res integra. The view once taken by this Court that full wages last drawn under Section 17-B of the Act mean current wages has not found favour with the Supreme Court in **Dena Bank vs. Kiritikumar T. Patel**, (1999) 2 SCC 106. Full wages last drawn means wages actually drawn at the time of termination. It is within the management's option whether to utilize services of the workman during the pendency of the challenge to award where stay has been granted. In case, services are utilized then current wages have to be paid, otherwise not.

2. Therefore, the view taken by the learned Presiding Officer,

Labour Court, Rohtak in its order dated August 03, 1992 impugned in this petition is not sustainable in the eyes of law and is contrary to the decision in *Dena Bank*.

3. As a result of the above discussion, this petition is allowed and the impugned order is set aside. The view on the subject is so clear that it would not be necessary for this Court to await appearance of the respondent-workman to hear him on the point which stands settled and to which the principles of natural justice would not extend. However, he would still have liberty to apply for review of this order in case there are any good and sufficient reasons.

(RAJIV NARAIN RAINA)
JUDGE

01.12.2015
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