

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.14807 of 1995

Date of Decision: 18.12.2015

Punjab State Electricity Board

... Petitioner

Versus

Jaswant Singh and another

... Respondents

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

Present: Mr. G.S. Ghuman, Advocate,
Mr. H.S. Ghuman, Advocate,
Mr. Vishal Chaudhri, Advocate,
for the petitioner.

Mr. N.S. Dandiwal, Advocate,
for respondent No.1.

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

RAJIV NARAIN RAINA, J. (ORAL)

Wages of respondent Junior Engineer for the period claimed were withheld by the petitioning Board for the reason that on transfer and posting he had failed to render accounts and thereby there was raised a suspicion of financial loss caused to the Board. It is not that the Junior Engineer-workman did not perform duties for the months of work as claimed in the application under section 33-C (2) of the Industrial Disputes Act, 1947 or that he withheld his labour. If there was defalcation of money or materials of which the respondent may have been in-charge then that misconduct could have been taken care of by initiating disciplinary proceedings and if guilt was established then punishment could be inflicted.

However, the two concepts could not have been mixed up together to justify withholding wages earned by the workman and that too without an order passed in writing. Therefore, the claim for wages becomes an existing legal right which was executable in proceedings under section 33-C (2) of the Act. This is what the Labour Court has precisely done in the impugned order and there is no reason for this Court to interfere with the same.

For the reasons recorded above, there is no merit in this petition. It is ordered to be dismissed.

(RAJIV NARAIN RAINA)
JUDGE

18.12.2015
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