

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP No.16429 of 2013
Date of decision : 23.04.2015

Executive Officer, Nagar Council, Hoshiarpur

...Petitioner

Versus

Presiding Officer, Industrial Tribunal, Jalandhar and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

1. Whether reporters of local newspapers may be allowed to see judgment?
2. To be referred to reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr. J.S. Toor, Advocate
for the petitioner.

Mr. Suresh Singla, Addl. A.G. Punjab.

Mr. Manish Dadwal, Advocate
for the respondents.

AMIT RAWAL, J. (Oral)

Challenge in the present writ petition is to the order dated 22.05.2012 passed by the Industrial Tribunal, Jalandhar, whereby claim of the respondent filed under Section 33(c) 2 of the Industrial Disputes Act, 1947 has been allowed.

Mr. J.S. Toor, learned counsel appearing on behalf of the

petitioner-Nagar Council, Hoshiarpur contends that in view of the judgment dated 15.03.2000 rendered in Civil Appeal No.8434 of 1997 of the Hon'ble Supreme Court, the claim of the claimants shall be confined to the period of three years immediately preceding to the filing of the petition.

Mr. Manish Dadwal, learned counsel appearing on behalf of the respondent-claimant submits that before Labour Court, the Management had filed calculation Ex.A1 which was in terms of the judgment of the Hon'ble Supreme Court *ibid* i.e. claim from three years before filing of the writ by the applicants and details of the same has been extracted in paragraph 7 of the Award. Be that as it may, the fact remains that few of the claimants had approached this Court in 1992 and few approached in the year 2003. There is no dispute to the fact that all the claimants entitled are to claim three years benefit were immediately preceding to the filing of the writ petition.

The order of the Labour Court is modified and the present writ petition is disposed of with direction to the petitioner to pay the claim of the claimants strictly in accordance with law i.e. as the judgment of Hon'ble Supreme Court. The relevant extract of the judgment of the Hon'ble Supreme Court is extracted hereinbelow:-

“It is made clear that in the writ petitions which were filed in the High Court either at the end of 1991 or in the beginning 1992 the writ petitioners cannot get any more monetary benefit, save and except, for the period of three years immediately preceding the filing

of such petitions and thereafter continuously upto date, subject to aforesaid conditions being satisfied by them. In the petitions under Section 33-C (2) the appellants, therefore, have to restrict their claims to the aforesaid extent.”

Since it would not be possible for this Court to go into intricate/disputed question of fact to decipher as to which of the claimant had filed writ petition in the year 1992 or in the year 2000, therefore, the appropriate direction is issued to the Management i.e. petitioner Nagar Council, Hoshiarpur to determine/assess the claim of the claimants strictly in accordance with the judgment of Hon'ble Supreme Court and on the assessment monetary relief deposited with the Labour Court shall be disbursed in accordance with law to the Management/petitioner. It is expected that petitioner-Council will assess the claim of claimants as expeditiously as possible preferably within 3 months from the date of receipt of certified copy of the order.

With the aforementioned direction and observation, the present writ petition stands disposed of.

23.04.2015

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**(AMIT RAWAL)
JUDGE**