

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH
CWP No. 15416 of 2015
Date of decision July 30, 2015

Ram Lalan

..... Petitioner

Versus

**The Presiding Officer, Central Govt. Industrial Tribunal-cum-
Labour Court-I, Chandigarh and another**

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Pankaj Jain, Advocate
for the petitioner.

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

AMIT RAWAL, J (ORAL).

The challenge in the present petition is to the order dated 5.2.2015 (Annexure P-5) whereby the petition filed under Section 33-C (2) of the Industrial Disputes Act, 1947 (hereinafter called as 'the Act') by the petitioner has been dismissed on the ground that it is not maintainable.

Learned counsel for the petitioner submits that the Labour Court has committed illegality and perversity in not reading the provisions of Section 33-C (2) of the Act in its letter and spirit which clearly decipher the right to any workman to receive money from the employer which is capable of being computed in terms of money. The claim of the petitioner was that he was promoted as Fitter, but he was not paid salary of a Fitter. This fact had not been noticed by the Labour Court and the petition has only been dismissed

on the ground of maintainability.

I have heard learned counsel for the parties and appraised the paper book.

The argument of the learned counsel for the petitioner has a considerable force, for the reason that the Labour Court has not decided the case of the petitioner on merits but simply dismissed by taking into consideration Section 33-C(1) instead of 33-C(2). Had it been noticed, the claim ex facie was/is maintainable. Without commenting on the merits and demerits of the case, whether the workman is entitled to salary of Fitter or not, the Labour Court is enjoined upon an obligation to decide the same in accordance with law. Since the Labour Court failed in its duty to notice the provisions of Section 33-C(2), I intend to remand the matter back to the Labour Court by setting aside the order dated 5.2.2015 (Annexure P-5) and direct it to decide the same in accordance with law, particularly, by taking into consideration the provisions of Section 33-C (2).

Accordingly, the petition filed under Section 33-C(2) by the petitioner is restored back to its original number. The Labour Court shall decide the same in accordance with law by taking into consideration the aforementioned observations and dispose it of as early as possibly preferably within a period of six months from the date of receipt of certified copy of this order.

The writ petition stands disposed of.

(AMIT RAWAL)
JUDGE

July 30, 2015
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