

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

**CWP No.5033 of 2014 (O&M)
Date of decision: 26.03.2015**

Krishan Lal

... Petitioner

Vs.

Presiding Officer and another

... 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. Aman Vashisth, Advocate
for the petitioner.

Mr. Raman B. Garg, Advocate
for respondent No.2.

AMIT RAWAL J. (ORAL)

The claim of the petitioner under Section 33-C(2) of the Industrial Disputes Act, 1947 (hereinafter referred to as 'the Act') has been rejected by the Labour Court, vide order dated 29.01.2014, (Annexure P-1), on the ground of limitation.

Learned counsel for the petitioner contends that the Labour Court, vide Award dated 18.07.2005 allowed the reference in favour of the petitioner and other similar situated persons and ordered for reinstatement into service with continuity of service and other consequential benefits including 50% back wages. The said Award has attained finality upto this Court. Thereafter, similar

situated persons except the petitioner had filed an application under Section 33-C(2) of the Act, in the month of September, 2007. The said application was dismissed. However, this Court in various writ petitions, vide order dated 22.03.2013, allowed the petition and remitted back the matter to the Labour Court to execute the order within three months.

Mr. Aman Vashisth, learned counsel appearing on behalf of the petitioner argued that Article 137 of the limitation Act, do not apply to the proceedings under the Act, as the Act itself is a Code which do not provide any applicability of limitation Act, 1963.

In support of his aforementioned contention, he relied upon the judgments of Hon'ble the Supreme Court in Chief Mining Engineer, M/s East India Coal Co. Ltd. Bararee Colliery Dhanbad vs. Rameshwar and others, **AIR 1968 Supreme Court 218** as well as of this Court in M/s Bhartiya Cuttler Hammer Ltd. vs. Presiding Officer, Labour Court-II, Faridabad and others **2010(4) S.C.T.349**.

Mr. Raman B. Garg, learned counsel appearing on behalf of respondent No.2 contended that Award can be enforced within a period of one year from the date of its publication and the petition filed under Section 33-C(2) of the Act, has rightly been dismissed.

I have heard learned counsel for the parties and gone through the order of the Labour Court, whereby, the claim of the petitioner has been rejected on the ground of delay. The order is vitiated in law and, thus, is not sustainable as it is settled law in view

of the provisions of Article 137 of the Limitation Act do not apply to the proceedings filed under the Industrial Disputes Act and accordingly, the order of the Labour Court is set aside and the matter is remitted back to the Labour Court to decide the application filed under Section 33-C(2) of the Act, afresh and decide the same on merits.

Accordingly, the writ petition is allowed.

(AMIT RAWAL)
JUDGE

March 26, 2015
savita