

*** IN THE HIGH COURT OF DELHI AT NEW DELHI**

% Date of decision: 13th March, 2015

+ W.P.(C) No.506/2013

M/S. BINNY LTD. Petitioner
Through: Mr. Siddharth Dias, Advocate.

versus

THE GOVERNMENT OF INDIA AND ANR. Respondents
Through: Ms. Sangeeta Sondhi, Advocate
for R-1.
Mr. Jitesh Pandey with Mr.
Akarsh Bhalla, Advocates for
respondent No.2.

**CORAM:
HON'BLE MR. JUSTICE VED PRAKASH VAISH**

VED PRAKASH VAISH, J. (ORAL)

1. The petitioner has assailed order dated 06.11.2014 passed by learned Presiding Officer, Labour Court-XI, Karkardooma Courts, Delhi in I.D. No.838/2004 whereby the petitioner Management was directed to continue to pay the amount to respondent No.2 as per order dated 18.09.1984 as long as adjudication lasts before it.

2. Briefly stating the facts leading to the present petition are that an industrial dispute arose between the petitioner Management and respondent No.2, Mr. M.B. Goel and the reference was made on 02.12.1982. Vide order dated 18.09.1984, learned Labour Court allowed an interim relief in the form of a monthly payment of Rs.500/- (Rupees Five hundred) to the workman/ respondent No.2. The said order was challenged before this Court, wherein this Court vide its

order dated 14.02.1989 observed that no ground to interfere with the impugned order therein was established.

3. Subsequently, the workman moved an application before the learned Labour Court on 04.03.2011 seeking an increment in the aforesaid interim monthly payment of Rs.500/- (Rupees Five hundred). However, the said application of the workman was dismissed on 09.05.2013 by learned Labour Court with the observation that the Court could not sit in appeal against the order dated 18.09.1984.

4. On the next date of hearing i.e. 28.08.2012 the petitioner made a payment of Rs.18,000/- (Rupees Eighteen thousand) to the workman answering his interim relief of Rs.500/- (Rupees Five hundred) per month till February, 1998. Thereafter, on 06.11.2012 arguments were addressed by the parties on the issue whether respondent No.2 would be entitled to receive interim relief after the date of his superannuation till the pendency of the proceedings before the Labour Court which led to the passing of the impugned order on 06.11.2014.

5. Learned counsel for the petitioner contends that the existence of an industrial dispute pre-supposes an industrial relationship in the nature of an 'employer' and an 'employee' between the Management and respondent No.2 workman. This relationship comes to an end *ipso facto* on the date of superannuation of the respondent No.2 workman, therefore, no obligation can be imposed on the petitioner at a point of time when it is not under a relationship of workman employer. He also contends that the petitioner neither could be reinstated nor compensated beyond the date of superannuation can be paid to him even in the event of the Labour Court deciding the main dispute in favour of the workman. The jurisdiction of the Labour Court to grant

continuation of interim relief beyond the date of superannuation was not permissible in law. Even in the main dispute the jurisdiction of the Labour Court is limited to award the relief up to that date.

6. On the other hand learned counsel for respondent No.2 urges that the interim order dated 18.09.1984 was passed so that the workman can sustain in the hardest days and fight his case. As such the relief granted by the Labour Court was in the nature of a subsistence allowance which was granted to the workman to provide basic minimum for livelihood of his family and contest the proceedings before the Labour Court.

7. I have carefully considered the submissions made by learned counsel for both the parties and perused the material on record.

8. The industrial dispute between the petitioner and respondent No.2 relates to a period as early as 1982 and learned counsel for the petitioner has submitted that the workman respondent No.2 has superannuated in February, 1998.

9. Considering the facts and circumstances of the case and the fact that the reference is pending since 1982, it would be in the interest of justice that the reference is answered by learned Labour Court expeditiously. Thus, the learned Labour Court is directed to dispose of the matter expeditiously by giving short dates and preferably within a period of six months from the next date of hearing. It is also directed that the trial court at the time of disposing the said industrial dispute would finally decide the question of entitlement of the workman to the interim relief as per order dated 18.09.1984 post his superannuation and if it reaches to a conclusion towards his such entitlement, the respondent No.2 be paid the amount so computed accordingly.

10. With the aforesaid observations, the petition stands disposed of.
11. Both the parties are directed to appear before the concerned Labour Court on 26.03.2015 at 10:00 a.m.
12. The trial court record be sent back forthwith.

C.M. Appl. No.968/2013

The application is dismissed as infructuous.

(VED PRAKASH VAISH)
JUDGE

MARCH 13th, 2015
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