

In the High Court of Punjab and Haryana, at Chandigarh

Letters Patent Appeal No. 1066 of 2015 (O&M)

Date of Decision: 06.12.2016

Cosco Karamchari Sangh

... Appellants)

Versus

Cosco India Limited and Others

... Respondent(s)

**CORAM: Hon'ble Mr. Justice Mahesh Grover.
Hon'ble Mr. Justice Shekher Dhawan.**

Present: Mr. Sachin Mittal, Advocate
for the appellant(s).

Mr. Ajay Bhardwaj, Advocate
for respondent No.1.

Ms. Kirti Singh, DAG Haryana
for respondents No. 2 to 4.

Mahesh Grover, J.

The appellant has filed the instant appeal against the judgment of the learned Single Judge dated 4.5.2015 permitting the dispute *inter se* between the parties to be adjudicated before the Labour Court, regarding which the respondents were directed to send a reference.

It may be noticed that on a prior occasion, the petitioner-Union and the Management had come to a settlement which is not entirely in dispute except for one clause, which is the subject matter of reference before the Labour Court.

We may extract the conditions of the agreement here-in-below:-

Conditions of the Agreement

1. *It has been decided between both the parties that this agreement shall be applicable to all the regular/permanent workmen.*
2. *It has been decided between both the parties that annual pay increase shall be given to all the permanent/regular workmen, which shall be as under:-*
 1. *Rs.150/- w.e.f. 01.08.2006 in the first year.*
 2. *Rs.150/- w.e.f. 01.08.2007 in the second year.*
 3. *Rs.150/- w.e.f. 01.08.2008 in the third year.*
3. *It has also been decided that pay and the DA shall be given to all the workmen which would be increased by the Haryana Government.*
4. *It has also been decided mutually between the Management and the representatives of the Workmen that the bonus would be distributed as per the following.*
 1. *Bonus @ 8.33% plus 5.50% ex-gratia shall be given for first year i.e. 2005-06.*
 2. *Bonus @ 8.33% plus 6% ex-gratia shall be given for first year i.e. 2006-07.*
 3. *Bonus @ 8.33% plus 6.50% ex-gratia shall be given for first year i.e. 2007-08.*
5. *Attendance Incentive of Rs.100/- per month shall be given to each and every permanent/regular employee whose monthly attendance is complete (100%).*

6. *Production Incentive Scheme shall remain the same.”*

Before us, the parties have agreed that the respondents would immediately comply with condition No.2 and clear all outstanding arrears arising from the implementation thereof and the remaining dispute qua Clause-3, which is the bone of contention, would be determined by the Labour Court.

In view of the above, we dispose of the instant appeal with a direction that the respondents shall comply with condition No.2 of the agreement and clear all the arrears within a period of six weeks from the date of receipt of a certified copy of this order and the remaining dispute qua Clause-3, which is a subject matter of reference, shall continue to be adjudicated before the Labour Court. We also deem it appropriate to direct the Labour Court to decide the matter as expeditiously as possible, preferably within a period of one year.

(Mahesh Grover)
Judge

(Shekher Dhawan)
Judge

December 06, 2016
“DK”

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No