

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP -12590-1997

Date of decision: 16.05.2017

Municipal Committee, Patiala

.... Petitioner

vs.

The Presiding Officer, Labour Court, Patiala & anr.

.... Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Kanwalvir Singh Kang, Advocate
for the petitioner.

Rajiv Narain Raina, J.(Oral)

1. This case arises from an application under Section 33C(2) of the Industrial Disputes Act, 1947. The only surviving dispute between the parties, which went for determination, was a right to wages for the period for which the workman was admittedly prosecuting his studies for earning the LLB degree from the Shia Degree College, Lucknow University. The degree was conferred and the workman admitted to rolls of the Bar Council of Punjab and Haryana on 10.02.1994.

2. The period claimed falls from June-July 1991 to June-July 1993 i.e. two years. Since the petitioner was allowed to proceed on study leave for pursuing higher studies he was not physically available at Patiala for performing his duty. In similar Circumstances, the Supreme Court had awarded arrears of salary in cases Om Parkash Goel vs. Himachal Pradesh Tourist Development Corporation and others, 1991 Lab. & I.C. 1414 and S.M.Saiyad vs. Baroda Municipal Corporation, 1984 Lab. & I.C. 1446.

3. Following the law in the above-said judgments of the Supreme Court, the Presiding Officer, Labour Court, Patiala in his order held that

workman was entitled to wages from 02.05.1992 to 28.02.1994 at least at the rate of ₹ 20/- per day.

4. He obtained his licence as an Advocate on 10.02.1994 and the Presiding Officer on the difference of 18 days responded in the following words: “the margin of 18 days would not count much because the fee does not start pouring in on the very first day when the Advocate goes to the Bar.”

5. I have no reason to disagree with the creative reasoning of the Labour Court with regard to the 18 days spell while upholding the claim. There is no infirmity or illegality in the order and discretion has been exercised judiciously in ordering computation of money due as a pre-existing right due to study leave with pay.

6. Accordingly, the petition is dismissed. The total amount of ₹ 13,000/- (approx.) be disbursed to the respondent by the petitioner within a period of three months from the date of receipt of certified copy of this order. In case of default, the amount in default from the date payable i.e. on expiry of the period fixed for payment will carry interest at the rate of 6% per annum till payment.

(RAJIV NARAIN RAINA)
JUDGE

16.05.2017

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1. *Whether speaking/non-speaking?* *Yes*

2. *Whether reportable?* *No*