

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

CWP No.14113 of 1999
Date of Decision: 2.5.2017

Joginder Samber

... Petitioner

Versus

Punjab State Electricity Board & Others

... Respondent

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Ms.Sonia Samber, Advocate for the petitioner

None for respondents

RAJIV NARAIN RAINA, J. (Oral)

None is present on behalf of respondents. It has been made clear in the Office Note in the Cause List that no adjournment will be granted in old Regular Cases which are taken up for final disposal in the Urgent List. This writ petition has been filed in the year 1999. This Court is left with no option, but to dispose of this petition after hearing the learned counsel for the petitioner.

I have heard learned counsel for the petitioner. When the learned Labour Court came to the conclusion that it has no territorial jurisdiction, it should not have opined on merits and permitted the workman to approach the court of competent jurisdiction. The Presiding Officer, Labour Court, Patiala has decided issue no.2 on the assumption that it had territorial jurisdiction. This is an incorrect approach to the issue, and therefore, the findings on issue no.2 deserve to be read out of the award and the application deserves to be dismissed for want of territorial jurisdiction with liberty to the workman to approach the Labour Court at Jalandhar praying for relief claimed since there is no limitation provided under Section 33 C (2) of the Industrial Disputes Act, 1947 and for the reason that the matter

has been pending in this court since 1999 with the impugned award passed on 10th March, 1998.

In view of the above, the writ petition is partially allowed. The findings on merits are set aside and the petitioner is given liberty to approach the appropriate forum to seek release of salary for the waiting period on the workman's transfer from Nabha to Jalandhar.

2.5.2017
MFK

(RAJIV NARAIN RAINA)
JUDGE

Whether speaking/reasoned

Yes

Whether Reportable

No