

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.2598 of 2017

Date of Decision: 10.03.2017

Devi Ram

... Petitioner

Versus

Presiding Officer, Industrial Tribunal &
Labour Court, Union Territory
Chandigarh and others

... Respondents

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

Present: Mr. Abhishek Yadav, Advocate,
for the petitioner.

RAJIV NARAIN RAINA, J.(Oral)

Three unpaid increments were claimed in a proceeding under Section 33-C (2) of the Industrial Disputes Act, 1947 against the respondent private establishment. The workman could not prove legal entitlement to increments as a matter of right against the employer which could have been computed in terms of money in execution proceedings under Section 33-C (2). Management refuted the claim urging that annual increments were based on profits of the company and if its sales are maintained. The workman was unable to prove that any sort of increment was ever paid to him in the past before he claimed them in the present application from where this writ arises. Besides, reliance on a solitary document produced in photocopy marked Ex.A-3 to stake claim as of right was not primary evidence and, therefore, the Labour Court has refused to look into Ex.A-3 as legal evidence to sustain the claim and has rightly dismissed the application placing no trust on the paper.

In the above circumstances, the Labour Court in my view has

correctly concluded that the application was not maintainable before it. I have no reason to disagree with the Labour Court and would decline the prayer for settling aside the order and grant relief of arrears of the three annual increments as a vested and accrued right and would dismiss the petition in limine.

(RAJIV NARAIN RAINA)
JUDGE

10.03.2017
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<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>