

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17397 of 2019

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Sanjai Kumar Sinha @ Sanjay Kumar Sinha Son of Vijay Kumar @ Vijay Kumar Sinha, Resident of Village-Hiralal Kushawaha nagar Baluatal Motihari, District-East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Bihar, Patna
2. The Labour Secretary Cum Commissioner, Government of Bihar.
3. The Labour Superintendent Motihari, East Champaran.
4. The Branch Manager, the Oriental Insurance Co. Ltd. Motihari, East Champaran.
5. Sanjay Chandra Kishre Son of Late Manidra Kumar Sinha, Resident of Village-Azad Nagar, Balua Tal, Motihari, East Champaran.
6. Nawal Kishore Vidyarthi Son of Darbari Prasad Resident of Village-Bishambharpur, P.S.-Kalyanpur, District-East Champaran, Motihari.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rajesh Kumar
For the Respondent/s : Ms.Anuradha Singh (SC-21)
with Ms. Nutan Kumar Sharma, AC to SC-21

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 26-08-2019 Heard learned counsel for the parties.

2. The petitioner has filed a Miscellaneous case No. 02 of 1997 before the Labour Court, Motihari, East Champaran under Section 33-C(2) of the Industrial Disputes Act, 1947 (hereinafter referred to as 'the Act') for realization of commission, which according to the petitioner, he was entitled to receive from the Oriental Insurance Company Limited, Motihari. The case of the petitioner has been rejected by the Incharge Presiding Officer, Labour Court as not maintainable.



3. Section 33-C (2) of the Act reads thus:-

“33-C (2) Where any workman is entitled to receive from the employer any money or any benefit which is capable of being computed in terms of money and if any question arises as to the amount of money due or as to the amount at which such benefit should be computed, then the question may, subject to any rules that may be made under this Act, be decided by such Labour Court as may be specified in this behalf by the appropriate Government (within a period not exceeding three months):

(Provided that where the presiding officer of a Labour Court considers it necessary or expedient so to do, he may, for reasons to be recorded in writing, extend such period by such further period as he may think fit).”

4. It is evident from clear language of sub-Section (2) of Section 33-C that a workman is entitled to receive from the employer any money or any benefit which is capable of being computed in terms of money and if any question arises as to the amount of money due or as to the amount which such benefits should be computed, the question may, subject to the rules be



decided by the Labour Court. The stage of sub-section (2) of Section 33-C would have arisen only after pre-existing rights have already been adjudicated upon.

5. I do not find any illegality in the impugned order.

6. This application is, accordingly, dismissed.

(Chakradhari Sharan Singh, J)

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