

CWP-16898-2015

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

CWP-16898-2015

Date of Decision: 26th November, 2019

Hardeep Singh

...Petitioner

Versus

The Batala Cooperative Sugar Mills Limited & another

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. B.S. Jaswal, Advocate
for the petitioner.

Mr. Rahul Sharma, Advocate
for respondent No.1.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Challenge in this writ petition is to the award dated 05.12.2013 (Annexure P-5) passed by the Industrial Tribunal, Gurdaspur, on the ground that the petitioner was ordered to be reinstated in service vide award dated 07.11.2003 (Annexure P-1) with all benefits except back-wages and was also given liberty to file an application under Section 33-C (2) of the Industrial Disputes Act, 1947 (hereinafter referred to as 'the Act').

2. It is asserted by the learned counsel for the petitioner that the petitioner although has been reinstated in service and granted the benefit of continuity of service but except for the back-wages, but would be entitled to all allowances such as uniform allowance etc., which till date has not been released to him.

3. Counsel for respondent No.1, on the other hand, asserts with reference to the order dated 03.09.2015 (Annexure P-7) passed by the Division Bench in Letters Patent Appeal No.478 of 2014, titled as 'The Batala Cooperative Sugar Mills Limited Vs. Hardip Singh & another' and in CWP No.6306 of 2004, titled as 'Batala Cooperative Sugar Mills Limited Vs. Hardip Singh & another' that the benefit which is being sought to be claimed by the petitioner would fall under the provisions of Section 33-C (2) of the Act, which benefit he is not entitled to in the light of the above referred to orders as the award dated 05.12.2013 (Annexure P-5) except to the extent of back-wages passed by the Industrial Tribunal, Gurdaspur, has been set aside, whereas, award dated 07.11.2003 (Annexure P-1) has been set aside to the extent of granting liberty to the petitioner to lay claim to back-wages under Section 33 -C (2) of the Act. He, thus, contends that the petitioner is not entitled to any further relief except for the one, which has already been granted by the respondents.

4. Having considered the submissions made by the learned counsel for the parties and on perusal of the impugned award as well as the order dated 03.09.2015 (Annexure P-7) passed by the Division Bench of this Court in Letters Patent Appeal No.478 of 2014, titled as 'The Batala Cooperative Sugar Mills Limited Vs. Hardip Singh & another, the claim of the petitioner as made i.e. various allowances including the uniform allowance and incentive cannot be granted to him.

5. The benefit which is being sought to be claimed by the petitioner would not be maintainable as the liberty, which was granted

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under Section 33 -C (2) of the Act vide award dated 07.11.2003 (Annexure P-1) has already been set aside. The petitioner has already been granted the requisite benefit as per his entitlement to the extent the award still survives.

6. In view of the above, finding no merit in the present writ petition, the same stands dismissed.

26th November, 2019
Harish

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No