

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

251

CWP-9320-2014

Date of Decision : 21.01.2020

Punjab State Power Corporation Ltd.

... Petitioner

Versus

Kamlesh and another

... Respondents

CORAM:- HON'BLE MR. JUSTICE GIRISH AGNIHOTRI

Present : Mr.Naveen S.Bhardwaj, Advocate
for the petitioner.

Mr. Jagjit Singh, Advocate
for the respondents.

GIRISH AGNIHOTRI, J.(ORAL)

The present writ petition has been filed by petitioner-Punjab State Power Corporation Limited (PSPCL) *inter alia* with a prayer to quash the order dated 09.07.2012 (Annexure P-9) passed by the Labour Court Industrial Tribunal, Jalandhar under Section 33-C(2) Industrial Disputes Act.

Learned counsel for the petitioner submits that an important question of law is involved in the present writ petition i.e. as to whether on an issue like the present, where determination for wages by interpreting the circulars of Nigam was involved, could be taken up straight away under Section 33-C(2) of the Act or the proper remedy for the workmen was to go under Section 10 of the Industrial Disputes Act.

The second submission of the petitioner is by making a reference of circular/order Annexures P-1, P-4 and P-5 to show the patterns

as per which from time to time the rates were revised, the stipulations were put, the categories were made and stipulations as under were also imposed.

Note : If the wages of daily wagers/workers are to be calculated on hourly basis, it may be calculated as per the above rates at your own level.

1. The above rates have been fixed for the 8 hour work in a day.
2. The employees may be given one holiday in a week.

The third submission made by learned counsel for the petitioner is that the Industrial Tribunal vide the impugned order has awarded Rs.46,032/- as total wages calculated under Section 33-C(2) of the Act.

Learned counsel for the respondents submits that the said wages i.e. Rs.46,032/- stands deposited with the competent authority, however, the same has not been disbursed to the workmen. It is further clarified by learned counsel for the petitioner that the amount so deposited included the interest because it is more than Rs.50,000/-which has been deposited.

Parties are ad-idem to submit that since the amount involved is very triable that is merely to calculate wages at the rate of Rs.1140/- per month or Rs.43.77 as daily wages and the total amount for all these periods merely comes to Rs.46,032/-, the writ petition is disposed of with the following directions :-

- i) the amounts so deposited (Rs.46,032/-) along with interest (which was deposited in the form of FDR), be disbursed alongwith the maturity value to the worklady within two weeks from the date of receipt of certified copy of this order.

ii) The legal issue as observed above and the interpretation of the orders/circulars as Annexures P-1, P-4 and P-5 shall remain open to be decided in an appropriate case.

With the above observation, the writ petition is disposed of.

(GIRISH AGNIHOTRI)
JUDGE

21.01.2020
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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No