

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

Sr.No.245

LPA No.240 of 2020

Date of Decision:19.04.2022

Hardeep Singh

...Appellant

Versus

The Batala Cooperative Sugar Mills Ltd.
and another

...Respondents

**CORAM: HON'BLE MS. JUSTICE RITU BAHRI
HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA**

Present: Mr. Balbir Singh Jaswal, Advocate
for the appellant.

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RITU BAHRI, J. (ORAL)

The present appeal has been filed against the impugned order dated 26.11.2019 passed by the Single Bench whereby the petitioner has challenged the award dated 07.11.2003 (Annexure P-1) passed by the Labour Court, Amritsar, vide which he has not been granted back wages but has been granted the benefit of reinstatement in service with liberty to file an application under Section 33-C (2) of the Industrial Disputes Act, 1947 (for short 'the Act').

A perusal of this order shows that the petitioner had filed an application under Section 33-C (2) of the Act, which was allowed by the Industrial Tribunal, Gurdaspur vide award dated 05.12.2013 (Annexure P-4). Thereafter, the respondents challenged the award dated 05.12.2013 by way of filing CWP No.3836 of 2014, which was dismissed by learned Single Judge vide order dated 03.03.2014. LPA No.478 of 2014, filed by the Cooperation, was allowed and it has been observed by referring to

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Hon'ble Supreme Court Judgment titled '*Deepali Gundu Surwase versus Kranti Junior Adhyapak Mahavidyalaya (D.Ed.), (2013)10 SCC 324*' that the claim under Section 33-C (2) of the Act was not maintainable as the workman has not challenged the correctness of the award and has allowed the said award to attain finality in so far as it denies back wages. SLP filed against said order has also been dismissed vide order dated 07.02.2018 (Annexure P-6). The writ petition filed by the petitioner challenging the award dated 07.11.2003 was dismissed vide impugned order dated 26.11.2019 on the ground of availing the remedy at belated stage, i.e. after the expiry of a period of 16 years.

In view of above, no ground is made out to interfere the impugned order. Resultantly, the present appeal stands dismissed.

(RITU BAHRI)
JUDGE

19.04.2022
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(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No