

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

211

CWP No. 7886-1997

Date of Decision: 14.02.2024

Union of India and others

.....Petitioners

Versus

Presiding Officer, Labour Court and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Navjit Singh, Central Panel Counsel for
petitioners-Union of India.

SANJAY VASHISTH, J.(ORAL)

1. Petitioners, (i) Divisional Personnel Officer, Northern Railways, Ambala Cantt, (ii) D.S.E, Northern Railway, Ambala Cantt and (iii) A.E.N (B.G), Northern Railway, Bathinda/ Union of India had filed the present writ petition in the year 1997, seeking quashing of the order dated 09.01.1996 (Annexure P-3) passed by Labour Court, Bathinda whereby application No. 89 dated 15.04.1993 filed under Section 33-C(2) of the Industrial Disputes Act, 1947 was answered in favour of the respondent No. 2 (contesting one).

2. Short dispute raised by workman through the application under Section 33-C(2) of the Industrial Disputes Act, 1947 was that he is entitled to the recovery of an amount of Rs. 4400/- as the said amount was deducted from his wages, on account of the allegation that he continued his stay in the allotted quarter at Bathinda beyond the period allowed.

After going through the pleadings, learned Labour Court framed issue No. 1 i.e. “*Whether the applicant is entitled to the amount claimed?*”

3. Learned Labour Court decided the said application in favour of

the workman by giving its finding in Paragraph Nos. 7, 8 and 9. The same is reproduced as under:

“7. In his statement as AW1, the applicant has supported his version about the respondents having made deduction from his pay @ 400/- per month as penal rent during the period he had remained posted at Abohar. According to him, he had been temporarily transferred to Abohar in January, 1990, where he had remained for two years and two months. No evidence to the contrary has been produced by the respondents. The applicant had therefore, not been liable to pay penal rent for the period in question. The respondents could only recover normal rent from his pay.

8. As a result, it is held that the applicant is entitled to recover from the respondents the amount deducted from his pay on account of penal rent over and above the normal rent that had been payable by the applicant during the period in question. The issue is decided accordingly.

ISSUE NO.2.

9. In view of my findings on issue No.1 above, the respondents are ordered to refund to the applicant the amount recovered by the respondents from the applicant on account of penal rent over and above the normal rent that had been payable by the applicant on account of the retention of the quarter by him at Bathinda during the period he had remained temporarily transferred to Abohar and posted there from January, 1990, onwards. In the circumstances of the case, the parties are left to bear their costs.”

4. This Court issued order of notice/admission on 30.05.1997 and thereafter, stay was declined vide order dated 22.07.1998.

5. Learned counsel appearing on behalf of petitioner-Union of India today prays for grant of some time to seek some instructions from the petitioners' office.

6. After noticing the facts narrated in the petition and going through the impugned order, I do not find that any substantial instruction/clarification is required to be sought in regard to any question raised by this Court. Impugned order is well speaking and it appears to be a very small dispute i.e regarding an amount of Rs. 4400/- only, raised in the year 1993 by respondent No. 2. It is a matter of fact that there is no stay and there is every likelihood that respondent No. 2- employee might have crossed the age of superannuation also.
7. In view of the said circumstances, the present petition is dismissed. However, it is made clear that in case, any substantial cause of action or any issue still survives, warranting its decision through present writ petition, petitioners would be at liberty to move an appropriate application with some reasons to seek revival, within a period of 8 weeks from today.
8. Disposed of.

14.02.2024

Rajeev (rvs)

(SANJAY VASHISTH)
JUDGE

Whether speaking/reasoned

Whether reportable

Yes

Yes