



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-16644-2024
Date of Decision:04.11.2024

SUCHA SINGH Petitioner

Versus

PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, BATHINDA
AND OTHERS Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Lupil Gupta, Advocate with
Mr. Nitin Goswami, Advocate and
Ms. Bhumika Sachan, Advocate
for the petitioner.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of order dated 27.05.2024 (Annexure P-10) whereby Labour Court has dismissed his application under Section 33-C(2) of Industrial Disputes Act, 1947 (for short 'ID Act') filed by him.
2. The petitioner joined respondent No.2- Ena Khera Cooperative Agriculture Service Society Limited on 01.04.1999 as Salesman. He was terminated on 24.06.2000. His order of termination was set aside by Deputy Registrar, Cooperative Societies, Muktsar. The respondent preferred revision before Joint Registrar Cooperative Societies, Ferozepur Division, Ferozepur which was allowed. The petitioner preferred Civil Writ Petition No.8894 of 2016 before this Court



which vide interim order dated 30.05.2006 stayed operation of order passed by Joint Registrar Cooperative Societies, Ferozpur Division, Ferozpur. The petitioner claims that he rejoined on 01.11.2006 and worked till 2012, however, he was paid lump sum salary of Rs.14,000/- which was less than the actual amount of salary.

3. The petitioner preferred an application under Section 33-C(2) of ID Act before Labour Court which came up for final adjudication before said Court on 27.05.2024. The Labour Court has rejected claim of the petitioner on the ground that he has failed to prove that he had worked from 2006 to 2012. The Labour Court has further held that application under Section 33-C(2) of ID Act is not maintainable because proceedings under said section are sort of execution proceedings and claim of petitioner cannot be adjudicated under said section.

4. Mr. Lupil Gupta, Advocate for the petitioner submits that petitioner had actually worked during 2006-2012 with respondent and he was entitled to higher amount of salary than paid. The respondent has wrongly withheld his actual amount of salary.

5. I have heard the argument of learned counsel for the petitioner and perused the record.

6. From the perusal of record, it is evident that the best case of petitioner is that he had actually worked with respondent No.2 from 2006 to 2012 and he was not paid actual amount of salary. He was paid Rs.14,000/- per month whereas his entitlement was higher. There are Payment of Wages Act, 1936 and Minimum Wages Act, 1948 which govern non-payment as well as short payment of wages respectively. The question of actual entitlement of wages cannot be determined under



Section 33-C(2) of ID Act because said provision is a sort of execution and Labour Court while adjudicating application under said section cannot determine rights and liabilities of the parties. Thus, the Labour Court has rightly rejected claim of the petitioner.

7. Dismissed.

(JAGMOHAN BANSAL)
JUDGE

04.11.2024
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Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>