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

CWP-23244-2024

Date of Decision: 13.09.2024

UNIPRODUCT KARMCHARI UNION Petitioner

Versus

**LABOUR COMMISSIONER, HARYANA AT CHANDIGARH
AND ANOTHER** Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Arjun Sheoran, Advocate with
Ms. Tejasvi Sheokand, Advocate
for the petitioner.

Mr. Raman Sharma, Addl. AG, Haryana.

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 09.05.2024 (Annexure P-3) whereby Labour Commissioner, Haryana has rejected application of the petitioner- Union under Section 33C(1) of Industrial Disputes Act, 1947.

2. The petitioner is a worker's union and respondent No.2 is a manufacturing unit. The petitioner entered into settlement dated 25.10.2021 (Annexure P-4) with the Management wherein apart from other issues, it was agreed that Management would pay bonus maximum @ 20% of basic pay plus dearness allowances during 2021, 2022 and 2023. The Management paid bonus @ 20% during 2021 and 2022, however, did not pay bonus at the said rate during 2023.

3. Mr. Arjun Sheoran, Advocate submits that 8.33% is



minimum rate of bonus and respondent has also accepted in its communication that it would pay bonus @ 8.33% and as per his instructions, the workers have not received bonus even @ 8.33%. He further submits that Labour Commissioner has rejected their application on the ground of jurisdiction, thus, there was no question to advert with issue on merits.

4. Mr. Raman Sharma, Addl. AG, Haryana who on advance notice is present in Court, submits that it is factually incorrect that Management has not paid bonus @ 8.33% during 2023. The workers have already received bonus @ 8.33%, thus, grievance of petitioner is misconceived.

5. In view of statement of Mr. Raman Sharma, Addl. AG, Haryana and pleadings of the petitioner, there is no need to seek response of private respondent.

6. As per record, Management has already paid bonus @ 8.33%, nevertheless, if it is not paid as claimed by petitioner, it would be paid without further delay. The petitioner would be at liberty to avail remedy against action of respondent and any observation made by Labour Commissioner on merits would not come in their way.

7. Disposed of.

(JAGMOHAN BANSAL)
JUDGE

13.09.2024
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Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>