

2024:PHHC:137094



115+120

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

1) **CWP-28215-2024**
Date of Decision:21.10.2024

BALWINDER SINGH Petitioner

Versus

**PRESIDING OFFICER, INDUSTRIAL TRIBUNAL PATIALA
AND ANR** Respondents

2) **CWP-28370-2024**

KARNAIL SINGHPetitioner

Versus

PRESIDING OFFICER, INDUSTRIAL TRIBUNAL PATIALA
AND ANRRespondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Ravi Gakhar, Advocate for the petitioner.

JAGMOHAN BANSAL, J. (Oral)

1. By this common order CWP-28215-2024 and CWP-28370-2024 are disposed of since issues involved in the captioned petitions and prayer sought are common. With the consent of parties and for the sake of brevity, facts are borrowed from CWP-28215-2024.

2. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of order dated 18.10.2022 (Annexure P-1) whereby Labour Court has rejected his application under Section 33C(2) of Industrial Disputes Act, 1947 (for short 'ID Act').

3. Mr. Ravi Gakhar, Advocate submits that Labour Court cannot decide disputed questions under Section 33C(2) of ID Act. It is



sort of execution proceeding. In the instant petition, the Labour Court has rejected application of petitioner under Section 33C(2) of ID Act. The petitioner has no grievance *qua* rejection of application, however, Labour Court has wrongly adverted with merits of the case. The petitioner may be granted liberty to avail remedies as permissible by law *qua* outstanding wages.

4. Mr. Ravi Gakhar, Advocate is correct while submitting that the scope of Section Section 33C(2) of ID Act is very limited being sort of execution provision. Labour Court is not supposed to adjudicate disputed questions of fact and law.

5. Indubitably, Section 33C(2) of ID Act is applicable to a workman. The Labour Court has considered claim of petitioner and found that petitioner was not even workman in terms of Section 2 (s) of ID Act, thus, Section 33C(2) of ID Act itself was not applicable. The Court has further held that respondent does not fall within expression ‘Industry’, thus, ID Act is not applicable. The petitioner wrongly approached Labour Court in terms of Section 33C(2) of ID Act which has rightly rejected his application because neither he nor his employer are covered by ID Act.

6. Dismissed.

(JAGMOHAN BANSAL)
JUDGE

21.10.2024
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Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>