

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

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CWP-3728-2020 (O&M)

Date of Decision : September 08, 2025

**PRINCIPAL MCM DAV CENTURY PUBLIC SCHOOL, MISSION
ROAD, PATHANKOT**

-PETITIONER

V/S

**ADDITIONAL DISTRICT AND SESSIONS JUDGE, PRESIDING
OFFICER, INDUSTRIAL TRIBUNAL, AMRITSAR AND OTHERS**

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Rajdeep Singh Cheema, Advocate
for the petitioner.

Ms. Pearl Narang, Advocate for
Mr. Neeraj Goel, Advocate
for the respondents/workmen.

KULDEEP TIWARI, J. (ORAL)

1. The learned Industrial Tribunal concerned, by drawing the impugned award dated 17.01.2018, partly allowed the Reference No.: R-445(RBT) of 2011/2017, under Sections 2-K and 10(1)(d) of the Industrial Disputes Act, 1947 (hereinafter referred to as the 'I.D. Act'), in favour of the respondents/workmen. The relief granted to the workmen is encapsulated in paragraph 19 of the award, relevant portion whereof is extracted hereunder:-

“19. In view of my discussion, made on above issues, reference is answered in positive and is decided in favour of workmen and against management and reference is partly allowed. Workmen are entitled to dearness allowance as per the agreement Ex. WA/12. As already stated above, the workmen

have already got 64% of dearness allowance, but they are entitled the same from 1.4.2013 and not from the date from which they have been given. Ashwani Kumar, Samarjit and Smt. Tripta have also sought claim that they are entitled to pay scale of Rs. 3045-4590 w.e.f. 1.1.2014 along with interest at the rate of 12% per annum w.e.f. 1.1.2017. All these workmen Ashwani Kumar, Samarjit and Smt. Tripta shall move representations that they are entitled to enhanced pay scales w.e.f. 1.1.2014 and that shall be decided within three months by the management after passing of speaking order. Workman Hamid Bhatt has also sought the pay scale of Driver, but he has already died, so his legal representatives after getting succession certificate can file representative with the management and their representation be decided within three months....”

2. At the outset, learned counsel appearing for the respondents/workmen submits that, in fact, the respondents/workmen had approached the wrong forum, and they ought to have approached the Education Tribunal constituted by the State of Punjab.

3. The submission made by learned counsel for the respondents/workmen is not opposed by learned counsel for the petitioner, and he submits that the respondents/workmen may be given liberty to raise the dispute, as raised in the claim petition filed before the learned Industrial Tribunal, before the learned Education Tribunal.

4. Although this Court is not deciding the issue as to whether the respondents/workmen could have filed the claim petition before the learned Industrial Tribunal under Sections 2-K and 10(1)(d) of the I.D. Act, however considering the consensus arrived at between the parties, they are granted liberty to raise all their respective pleas and claims, as raised in the claim petition, before the learned Education Tribunal.

5. Consequently, the impugned award is **set aside**, however, with liberty (*supra*).
6. **Disposed of accordingly.**
7. Pending application(s), if any, also stand disposed of accordingly.

September 08, 2025
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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No