



CWP-25469-2016 (O&M) -1-
CWP-13685-2017 (O&M)

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

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**CWP-25469-2016 (O&M)
Date of Decision :17.01.2025**

Ashok Kumar Gulati

...Petitioner

Versus

**Presiding Officer, Industrial Tribunal-cum-
Labour Court-I Panipat & another**

....Respondents

CWP-13685-2017 (O&M)

**Haryana State Small Industries & Export Corporation
Limited**

...Petitioner

Versus

**Presiding Officer, Industrial Tribunal-cum-
Labour Court-I Panipat & another**

....Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Vrishank Suri, Advocate and
Mr. Akshay Jindal, Advocate for the petitioner in
CWP-25469-2016 & for respondent No.2 in CWP-13685-2017

Mr. Saurav Girdhar, AAG, Haryana
for respondent-State in CWP-25469-2016 & for
petitioner-State in CWP-13685-2017.

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Harsimran Singh Sethi, J. (Oral)

1. By this common order, above mentioned two writ petitions, in



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which the challenge is to the same award dated 12.07.2016 passed by the Tribunal, is being decided.

2. Learned counsel appearing for the petitioner-Workman submits that the petitioner-Workman has not been given due benefits up to the date he was working and he has only been given benefits up to 30.06.2002 whereas, he was working for the subsequent period also, which fact has been ignored by the Tribunal while granting the relief and hence, the benefit of salary and other emoluments be given to the petitioner-Workman up to date the petitioner-Workman actually worked i.e. 21.10.2002 when the charge was taken from the petitioner-Workman.

3. The challenge to the same award at the hands of respondent-employer is on the ground that petitioner-Workman was not entitled for benefit as he should have first approach the Labour Court for the adjudication of his claim qua the salary rather than filing of application under Section 33C (2) of the 1947 Act.

4. I have heard learned counsel for the parties and have gone through the record with their able assistance.

5. As far as the contention of the petitioner-Workman is concerned that he was in service up to 21.10.2002 up to which date, he is entitled for the salary, it may be noticed that respondent-Corporation was wound up on 30.06.2002 after which there was no such operation and the service of the petitioner-Workman was also retrenched under Section 25FF (a) on 01.07.2002 by Ex-A-3. That being so, merely that subsequent to the closure, the petitioner-Workman was asked to handover the charge does not mean that he will remain in service. Once, the Corporation had been wound



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up, there is no question of petitioner discharging the duties after 30.06.2002 and hence, claim of the petitioner that he remained in service up to 21.10.2002 is incorrect and has rightly not been accepted by the Labour Court while awarding the relief.

6. Qua the assertion of the petitioner-Corporation that the Workman should not have approached under Section 33C (2) of the Industrial Dispute Act, 1947, it may be noticed that there is no dispute qua the engagement of petitioner and master and servant relationship between the parties. Further, there is no dispute qua the salary being given to the respondent-Workman. It was only the computation whether the salary has been given to the petitioner-Workman for the period he has worked. Only the salary for the period the petitioner-Workman has worked, has been allowed in his favour hence, in the facts and circumstances of the present case, no interference is called for in the impugned award and both the petitions at the hands of the workman as well as the employer are dismissed.

7. Civil miscellaneous application pending, if any is also disposed of.

8. A photocopy of this order be also placed on the file of conneced case.

January 17, 2025
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No