

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

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CWP-21951-2017

Date of Decision : August 13, 2025

M/S KHALSA COLLEGE FOR WOMEN AMRITSAR

-PETITIONER

V/S

PRESIDING OFFICER AND ANR.

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Vivek Salathia, Advocate
for the petitioner.

Mr. Vishal Sodhi, Advocate
for the respondent No.2.

KULDEEP TIWARI, J. (ORAL)

1. The prayer wrapped in the instant writ petition appertains to setting aside the order dated 01.06.2017, which has been passed on an application filed under Section 33-C(2) of the Industrial Disputes Act, 1947 (hereinafter referred to as the 'Act of 1947') by the respondent No.2/workman, and whereby, the respondent No.1- Industrial Tribunal has allowed his application and held him entitled for salary as per the apposite guidelines of the Hon'ble Supreme Court discussed in the order. Moreover, the petitioner- Management has been directed to pay him arrears of revised salary within two months therefrom, failing which he was held entitled to interest @ 9% per annum from 29.03.2016.

2. The impugned order has been assailed primarily on the ground that the learned Industrial Tribunal has exceeded its jurisdiction, as vested

with it under Section 33-C of the Act of 1947, while drawing it.

3. Succinctly stated, the respondent No.2/workman filed a claim petition, which resulted in issuance of a reference under Section 2-A and 10(1)(c) of the Act of 1947. The reference reads as under:-

“Whether termination of the services of the workman has been made by the management illegally and unlawfully ? If so, to what relief/exact amount of compensation he is entitled ?”

4. During the pendency of the reference, the authorized representative of the petitioner–Management stated that he had no objection if respondent No.2/workman resumed duty unconditionally, since his services were never terminated. In view of the stand taken by the petitioner-Management, the reference was allowed vide award dated 02.12.2015 with the following observations:-

“3. In view of the statement of Authorized Representative of the management, this reference is allowed and the management is directed to adjust the workman on permanent basis as per the statement made by their Authorized Representative Shri Rajat Joshi. File be consigned to record room.”

5. Pursuant to the award (*supra*), the respondent No.2/workman filed an application under Section 33-C(2) of the Act of 1947 seeking the following reliefs:-

“(i) The management is not paying current wages payable to other workman equal to the applicant.

(ii) The workman is entitled to receive current wages alongwith arrears of wages.”

6. The learned Industrial Tribunal, by drawing the impugned order dated 01.06.2017, allowed the application and held the respondent No.2/workman entitled for salary as per the apposite guidelines of the Hon’ble Supreme Court. Moreover, the petitioner-Management was directed

to pay the respondent No.2/workman arrears of revised salary within two months from the date of order.

7. The question that arises for consideration before this Court is: *“Whether the relief(s) sought in the application filed under Section 33-C(2) of the Act of 1947 can be adjudicated if the workman’s claim is not based on prior adjudication of entitlement”.*

8. Primarily, this Court is of the view that the answer to the above question is in the negative. This Court posed a specific query to learned counsel for the respondent No.2/workman as to how such relief(s) could be adjudicated in the absence of prior adjudication.

9. Although learned counsel for respondent No.2/workman endeavoured to justify that the impugned order was within the scope of Section 33 of the Act of 1947, he was unable to demonstrate how the learned Tribunal could assess real wages payable to the workman when such entitlement had never been adjudicated by any forum.

10. Faced with this observation, learned counsel for respondent No.2/workman submitted that liberty may be granted to withdraw the application under Section 33-C(2) of the Act of 1947 and to move an appropriate application before the competent forum/tribunal to seek similar relief(s).

11. In view of the above, the **impugned order is set aside**. The writ petition is **disposed of** with a direction to the respondent No.1-Industrial Tribunal that, in the event respondent No.2/workman files an appropriate application under the relevant provisions of law within one month, it shall endeavour to decide the same within six months thereafter. It

is made clear that the petitioner shall not adopt any dilatory tactics to delay adjudication of the said application.

12. Disposed of accordingly.

August 13, 2025
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(KULDEEP TIWARI)
JUDGE

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