



CWP-6282-2021

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

(250)

CWP-6282-2021

Date of Decision : 25.03.2026

Darbara Singh

...Petitioner

Versus

Presiding Officer, Industrial Tribunal,
Patiala and others

...Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Raghav Gulati, Advocate for the petitioner.

Mr. Amit Kumar Goyal, Addl. AG, Punjab.

Mr. Anil Sharma, Advocate and
Ms. Devyani Sharma Advocate
for respondents No.2 to 5.

KULDEEP TIWARI, J. (ORAL)

1. Through the instant writ petition, cast under Article 226/227 of the Constitution of India, the petitioner/workman, has challenged the legality of the award dated 01.10.2019 (Annexure P-9), as passed by learned Industrial Tribunal, Patiala (respondent No.1), wherethrough, his application dated 03.10.2013 (Annexure P-6), preferred under Section 33-C (2) of the Industrial Disputes Act, 1947 (for short 'the ID Act'), has been declined.

2. Learned counsel for the petitioner apprises this Court that the application (supra), was preferred by the petitioner, for getting dues worth Rs.84,100/-, along with interest @ 18% per annum, which was deducted by the respondent/employer from the petitioner's service benefits, on account of liability fastened upon the former, by learned Motor Accident Claims Tribunal



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(MACT) concerned, wherein, the petitioner was held to be guilty of rash and negligent driving of the bus, in question.

3. At the very outset, this Court has put a specific query to learned counsel for the petitioner, as to how, learned Industrial Tribunal concerned, has the jurisdiction to decide the issue, which has been raised by filing an application (supra), as the same is in confrontation with the ratio of law laid down by the Hon'ble Supreme Court, in its decision rendered in *Civil Appeal No.813 of 2022*, titled '*M/s Bombay Chemical Industries vs. Deputy Labour Commissioner and another*' decided on 04.02.2022.

4. Learned counsel for the petitioner is unable to satisfy this Court, rather he admitted that remedy for the petitioner/workman, would be either to invoke the provisions of Section 2-A, or Section 10 (i) (c) of the ID Act, or any other legal remedy in accordance with law.

5. In view of the above submission made by learned counsel for the petitioner/workman, this Court has no hesitation to hold that the original application dated 03.10.2013 (Annexure P-6), itself is not maintainable before the Industrial Tribunal concerned, and therefore, this Court is not required to adjudicate the legality of the impugned award.

6. Consequently, the instant writ petition is **disposed of**.

7. However, liberty is reserved for the petitioner/workman, to avail alternate legal remedy, if so advised, in accordance with law.

(KULDEEP TIWARI)
JUDGE

March 25, 2026
Manpreet