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

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Date of Decision: 29.01.2026

THE RAM NIWAS CASS MULTIPURPOSE LIMITED**-PETITIONER****V/S**

**PRESIDING OFFICER INDUSTRIAL TRIBUNAL BATHINDA
AND OTHERS**

-RESPONDENTS**CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI**

Present Mr. Siddharth Gupta, Advocate,
 for the petitioner.

Mr. Sahil R. Bakshi, AAG, Punjab.

KULDEEP TIWARI, J. (Oral)

1. Through the instant petition, as cast under Article 226/227 of the Constitution of India, the petitioner-society, has thrown challenge to an Award dated 10.07.2023 (Annexure P-1), passed by the learned Industrial Tribunal concerned (respondent no.1), wherethrough, the application dated 01.04.2015 (Annexure P-2) filed by respondent no.2-workman, under Section 33-C(2) of the Industrial Disputes Act, 1947, has been allowed.

2. The star argument, as put forth by learned counsel for the petitioner-society, in order to throw challenge to the Award (*supra*), is that the learned Industrial Tribunal concerned, has no jurisdiction to

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entertain the issue as raised by employee of the petitioner-society.

3. He draws attention of this Court towards Section 55 and 82 of the Punjab Co-operative Societies Act, 1961, to submit that no civil suit lies against the petitioner-society, and, if any dispute arises between the employer and employee, the same can only be adjudicated by referring the matter to the arbitrator. Furthermore, as per the Act of 1961, the Registrar of Firms and Societies, is the competent authority to adjudicate such issue.

4. He also submits that the issue regarding maintainability was framed, however the same was not adjudicated upon, therefore, the Award (*supra*), needs interference by this Court, while exercising its power under writ jurisdiction.

5. He finally, submits that respondent no.2-workman, had committed an offence of embezzlement, and the arbitration Award has been passed against him. Therefore, the learned Industrial Tribunal concerned, ought to have considered such misconduct of respondent no.2-workman, before passing the impugned Award.

6. This Court has considered the submissions, as made by learned counsel for the petitioner-society, and has perused the impugned Award.

7. A perusal of the impugned Award reveals that the following issues were framed by the learned Industrial Tribunal concerned:-

“1. Whether the applicant is entitled to the amount alongwith interest as claimed for from the respondent, if so,



what rate of interest?(OPA)

2. Whether the application is not maintainable? (OPR)

3. Relief.

8. It further transpires from reading of the Award that as regards second issue, the onus of which was upon the petitioner-society, it had failed to press thereupon, and therefore, the said issue was decided against the petitioner-society.

9. This Court has put a specific, query to learned counsel for the petitioner, as to whether, the aforesaid issue was ever pressed before learned Industrial Tribunal during the course of arguments, and whether, such a pleading was made in the instant petition, to which, he fairly answered in 'negative'. Instead, he submits that the issue of maintainability, being a legal issue can be raised even by filing instant writ petition.

10. This Court finds that this argument carries no merits. It is the petitioner-society, which opted not to press issue no.2, regarding maintainability, before the learned Industrial Tribunal concerned, therefore, the latter concerned, could not examine the same. It is the quiescent act of the petitioner-society, which refrained the learned Industrial Tribunal concerned, to adjudicate issue no.2, and now it cannot raise the same before this Court, to be adjudicated. No other argument on the issue of entitlement of service and pensionary benefits, etc. was raised before this Court,

11. The submission as made by learned counsel for the



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petitioner, regarding the embezzlement by the workman, is also devoid of any merits. The basis of this argument is the Award, which only gives right of recovery/adjustment to the petitioner-society, against the arrears of salary of respondent no.2, and thereafter, to release the remaining pensionary benefits to him.

12. In view of the above discussion, this Court finds no reason requiring interference in the well reasoned Award, as passed by the learned Industrial Tribunal concerned. Consequently, the instant petition, is hereby, **dismissed**.

13. All pending application(s), if any, also stand **disposed** of accordingly.

January 29, 2025
dharamvir

(KULDEEP TIWARI)
JUDGE

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