

(2025) 04 UK CK 0871

In the Uttarakhand High Court

Case No : Writ Petition (M/S) No. 1160 Of 2025

Abdul Latif

APPELLANT

Vs

Presiding Officer, Labour Court And Another

RESPONDENT

Date of Decision : 25-04-2025

Acts Referred:

Industrial Dispute Act, 1947 &mdashSection 33C-2

Citation : (2025) 04 UK CK 0871

Hon'ble Judges : Manoj Kumar Tiwari, J

Bench : Single Bench

Advocate : S.S. Yadav

Final Decision : Dismissed

Judgement

Manoj Kumar Tiwari, J

1. Petitioner claims to be a workman. He moved an application under Section 33C-2 of Industrial Dispute Act, 1947, claiming the amount due to him as wages. The said application was rejected by Presiding Officer, Labour Court, Dehradun vide order dated 20.11.2024. Challenging said judgment, petitioner has approached this Court.

2. Hon'ble Supreme Court in the case of Municipal Corporation, Delhi Vs. Ganesh Rajak and another, reported in 1995 Labour Industrial Case 330 has held that labour Court has no jurisdiction to decide workmen's entitlement and then proceed to compute benefit so adjudicated under Section 33C-2 of the Act and it is only when the entitlement has been earlier adjudicated and thereafter, for the purposes of implementation and enforcement thereof, power under Section 33C-2 of the Act can be invoked. The said judgment was relied by learned Presiding Officer, Labour Court for dismissing the application, moved by petitioner.

3. This Court does not find any infirmity in the impugned judgment. The writ petition is, accordingly, dismissed. However, petitioner shall be at liberty to raise industrial disputes before appropriate forum.