

**(1956) 02 P&H CK 0005**  
**In the Punjab And Haryana At Chandigarh**

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|----------------------------------|----|------------|
| Co-operative Assurance Co. Ltd.  | Vs | APPELLANT  |
| Union of India (UOI) and Another |    | RESPONDENT |

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**Date of Decision :** 20-02-1956

**Acts Referred:**

Constitution of India, 1950 — Article 226  
Industrial Disputes Act, 1947 — Section 17A

**Citation :** (1957) 1 LLJ 95

**Hon'ble Judges :** Bishan Narain, J

**Bench :** Single Bench

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## Judgement

Bishan Narain, J.—The Co-operative Assurance Company, Ltd., Amritsar, has filed the present petition under Article 226 of the Constitution of India for an order restraining the Union of India from realizing Rs. 4,522-8-0 through the tahsildar, Amritsar, as arrears of land revenue.

2. There was a dispute between the petitioner company and its workmen which was referred to the Dhanbad Industrial Tribunal by the Government of India on 23 October 1953. This tribunal gave its award which was published in the Gazette of India of 8 May 1954. By this award the tribunal fixed the initial pay of 18 named workmen with effect from 8 March 1952 and also gave clear directions as regards the increments due to them. The award also made provisions for medical aid and for payments of overtime and other allowances, etc., besides fixing hours of work. The company filed an appeal before the Labour Appellate Tribunal which is still pending there and has not yet been decided. The Government of India implementing the award directed the recovery of Rs. 4,522-8-0 less 6% per cent as arrears of land revenue. The tahsildar issued a notice to the company on 16 July 1955 for payment of Rs. 4,522-8-0 by 3 August 1955, Thereupon the present petition was filed impeaching the validity of this notice issued by the tahsildar under the directions of the Government of India.

3. The learned Advocate-General raised a preliminary objection to this petition to the effect that the company had not exhausted all its remedies open to it before

filing the present petition. According to him the company should have got the implementation of the award stayed by the Appellate Tribunal u/s 14 of the Industrial Disputes (Appellate Tribunal) Act, 1950. Under that section, however, the appellant has to show that the implementation will have serious repercussions on the industry concerned or other industries or on the workmen employed in them before an order of stay can be passed. Obviously the company could not have succeeded in doing so, so far as the present demand is concerned, and an application u/s 14 would have been a mere formality and could not possibly be considered to be an adequate or effective remedy in the circumstances of the case. I, therefore, have hesitation in rejecting the preliminary objection raised by the learned Advocate-General.

4. It was argued on behalf of the petitioner company that so far as the present demand is concerned the workmen should have made an application u/s 20(2) of the Industrial Disputes (Appellate Tribunal) Act, 1950, and that it was not open to the Government of India to take action u/s 20(1) of this Act. The arguments are that the award has not laid down any definite sum as due from the employer and therefore Section 20(1) has no application and that as the workmen are entitled under the award to receive a benefit which is capable of being computed in terms of money, the workmen should have applied u/s 20(2) to the tribunal, which admittedly has not been done in the present case.

5. The award did not specify any date on which it became enforceable and therefore u/s 17A(1) of the Industrial Disputes Act, 1947, the award became enforceable on the expiry of thirty days from the date of its publication on 8 May 1954, i.e., from 8 June 1954. Section 20 of the Industrial Disputes (Appellate Tribunal) Act, 1950, provides the necessary machinery for the execution and implementation of awards made by an industrial tribunal. Section 20(1) of this Act lays down that when any money is due from an employer under any award then the appropriate Government may recover it as arrear of land revenue on an application made to it by the person entitled to the money under the award. Section 20(2) on the other hand lays down that where any workman is entitled under the award to receive from the employer any benefit which is capable of being computed in terms of money, then he shall apply to the industrial tribunal which shall make the necessary computation. The question arises whether the present case falls within Sub-clause (1) or Sub-clause (2) of Section 20. As far as the present demand is concerned, it is limited to the initial pay fixed under the award. The award fixes the exact amount due to an individual worker and lays down the principle on which increment should be computed. It follows therefore that by simple arithmetical calculations the amount due to the workmen can be precisely determined. Sub-clause (2), in my opinion, applies only to those cases in which the tribunal awards benefits which can be computed in terms of money but have not been so computed by this tribunal. It appears to me that when the amount due to workmen can be easily ascertained then no computation by the industrial tribunal is contemplated and that in such a case an application to the Government under Sub-clause (1) is sufficient. If, however, it is found that the

benefits allowed by the tribunal have to be computed in terms of money, then that must be done by the industrial tribunal under Sub-clause (2) of Section 20 of the Act. In the present case there is no dispute that by arithmetical calculations the amount in dispute is due from the company under the award of the tribunal.

6. It was pointed out to me by the learned Counsel for the petitioner-company that under the directions of the Government of India the amount to be recovered under this heading was Rs. 4,522-8-0 less 6? per cent which is admitted by the learned Advocate-General. Consequently it must be held that to this extent the notice issued by the tahsildar is not in accordance with the directions of the Government. In the present case, however the Government has collected Rs. 4,522-8-0 from the petitioner-company and in the circumstances I order that the amount due to the workers is not Rs. 4,522-8-0 but it is Rs. 4,522-8-0 less 6? per cent. I have no doubt that the Government will refund the excess amount realized by it from the petitioner-company.

7. The result is that this petition fails and is dismissed, but in the circumstances of the case I leave the parties to bear their own costs.