
(1995) 08 RAJ CK 0007
In the Rajasthan High Court
Case No : C.W.P. No. 848 of 1995

Sohan Lal

APPELLANT

Vs

Judge, Labour Court and Another

RESPONDENT

Date of Decision : 24-08-1995

Acts Referred:

Industrial Disputes Act, 1947 — Section 33C(2)

Citation : (1998) 3 LLJ 576

Hon'ble Judges : N.L. Tibrewal, J

Bench : Single Bench

Advocate : Suresh Kashyap, for the Appellant;

Final Decision : Dismissed

Judgement

N.L. Tibrewal, J.—In this petition under Article 226 of the Constitution of India, the petitioner-workman challenges the award dated, January 31, 1994 passed by the Labour Court, Jaipur, to a limited extent that interest ought to have been awarded on the amount computed u/s 33C(2) of the Industrial Disputes Act, 1947.

2. The petitioner was an employee of M/s Emery Stone Manufacturing Company, Kuchaman Road, Nawa (respondent No. 2). He was removed from the service on May 4, 1977 and on raising an industrial dispute the State Government made a reference to the Labour Court as to whether the termination of the petitioner was illegal and unjustified. The Labour Court vide its award dated May 16, 1987 held the termination with back wages and other consequential benefits was granted in favour of the petitioner. Thereafter, the petitioner filed an application u/s 33C(2) of the I.D. Act for computation of backwages. The Labour Court vide its award computed the back wages to the tune of Rs. 48,402. After adding the amount of bonus and wages in lieu of leave, the total amount was computed as Rs. 54,450. A direction was also given that in case the amount so computed is not paid within three months, the workman shall be entitled to get interest at the rate of 12% per annum. The grievance of the petitioner is that denial of interest by the

Labour Court from May 16, 1987 till the back wages were computed is not justified.

3. This question was also raised by the workman before the Labour Court and the Labour Court declined to grant interest on the ground that in the award there was no direction for payment of interest and proceedings u/s 33C(2) being analogous to the execution proceedings, the Court had no jurisdiction to award interest.

4. The learned counsel appearing for the petitioner vehemently contended that the view taken by the Labour Court declining interest is unjustified and the Court had jurisdiction to award interest. Reliance is placed on a decision of this Court in Sayal Mal Bhansali Vs. Judge, Labour Courts and Another,

5. I have given my careful consideration to the above submission. It cannot be disputed that u/s 33C(2) of the I.D. Act, the jurisdiction of the Labour Court is to compute the benefit and not to confer any new benefit. The computation u/s 33C(2) in the instant case was to be made in accordance with the award wherein reinstatement with full back wages was granted in favour of the workman. The award did not provide for payment of interest. In similar circumstances, the Madras High Court in Krishna Murthi (A) and Ors. v. The "MAIL" 1964 II LLJ 88 declined interest in the absence of any provision for payment of interest in the award.

6. So far the decision in Sayal Mal Bhansali's case (supra) is concerned, the interest was awarded by this Court in the peculiar facts and circumstances of the case and it has been so observed by the Court while awarding interest. The facts of that case are not similar to the present case and the above decision cannot provide any assistance to the petitioner.

7. I agree with the view taken by the Labour Court that the computation u/s 33C(2) of I.D. Act has to be made on the basis of the award given by the Labour Court for reinstatement with back wages. If the award was silent about payment of interest, the Labour Court was right in declining the same.

Consequently, I do not find any merit in this petition and it is hereby dismissed summarily.