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**(1999) 02 P&H CK 0045**  
**In the Punjab And Haryana At Chandigarh**  
**Case No : C.W.P. No. 2401 of 1999**

State of Haryana

APPELLANT

Vs

Hisam Singh and another

RESPONDENT

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**Date of Decision :** 22-02-1999

**Acts Referred:**

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

**Citation :** (1999) 2 LLJ 335

**Hon'ble Judges :** N.K. Agrawal, J;Jawahar Lal Gupta, J

**Bench :** Division Bench

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## Judgement

Jawahar Lal Gupta, J.—These three writ petitions are symbolic of the bureaucratic inefficiency in the Department of Transport, State of Haryana. A few facts, as emerging from the record of C.W.P. No. 2401 of 1999, may be briefly noticed;

2. The services of respondent No. 1 were terminated by the General Manager, Haryana Roadways, on September 11, 1987. The workman had raised an industrial dispute. On August 27, 1990 the Labour Court accepted his claim and ordered his reinstatement with full backwages and continuity of service. In pursuance to the award, the workman was reinstated on March 14, 1991. However, the back wages were not paid for a period of 4 years and 11 months. The actual payment was made on July 18, 1995. The workman complained that there was an inordinately long delay in the release of back wages. He, thus, filed a petition u/s 33-C(2) of the Industrial Disputes Act, 1947 for the computation and award of interest at the rate of 15 per cent. Vide order dated August 13, 1998, the Labour Court has sustained the claim of the workman. Hence this petition.

3. It is conceded that the position is identical in the remaining two cases also.

4. Mr. Goyal, learned counsel for the petitioner, contends that the Labour Court had no jurisdiction to award interest on account of the delay in payment of back

wages.

5. The contention is wholly misconceived. In pursuance to the award dated August 27, 1990 the, Management should have made the payment of back wages within a reasonable time. It took about seven months to reinstate the workman and thereafter almost five years were spent in paying the back wages. During this long interval the petitioner kept the money which was rightfully due to the respondent. No justification for such an inordinately long delay in payment has been even offered at the hearing of the case. In such a situation, we find that the Labour Court was amply justified in upholding the claim of the respondent-workman. If the technical plea raised on behalf of the petitioner is accepted, it would lead to a grave miscarriage of justice. It would allow the petitioner to take advantage of its own wrong. It would cause (un) avoidable hardship to the workman. Such is not the spirit of the industrial law. Thus, no ground for interference under Article 226 of the Constitution is made out.

6. No other point has been raised.

7. Resultantly, all the three petitions are dismissed in limine.

8. We clarify that it would be open to the State Government to recover the amount paid to the respondents from the Officers responsible for the delay in making the payment.