
(2010) 11 JH CK 0028
In the Jharkhand High Court
Case No : Writ Petition (L) No. 6212 of 2007

Tata Steel Limited

APPELLANT

Vs

D.S.R. Patnaik

RESPONDENT

Date of Decision : 29-11-2010

Acts Referred:

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

Citation : (2011) 129 FLR 53 : (2011) 1 JCR 220 : (2011) 3 LLJ 793

Hon'ble Judges : R.K. Merathia, J

Bench : Single Bench

Final Decision : Allowed

Judgement

R.K. Merathia, J.—Heard the parties finally.

2. This writ petition has been filed against the Award and judgment dated 24.8.2007, passed by the learned Presiding Officer, Labour Court, Jamshedpur, in M.J. Case No. 13 of 2003.

3. Mr. Rajiv Ranjan, learned Counsel for the Petitioner, submitted that Respondent raised two claims u/s 33C(2) of the Industrial Disputes Act, 1947 (ID Act for short) before the Labour Court. First claim was payment of Pay Revision Arrears arising out of the settlement, which was disputed by the Petitioner-Management that such claim was not tenable as it was raised after taking separation under Medical Separation Scheme (MSS). The second claim was on account of medical reimbursement, against which also the contention of the Petitioner-Management was/is that the medical reimbursement is being done as per the policy of the Company. He further submitted that it is settled law that the disputed claims cannot be decided u/s 33C(2) of the I.D. Act. He relied on the case reported in 2008(2) JCR 637 Tata Steel Ltd. v. Awtar Singh and submitted that after considering the judgment of Supreme Court, this Court held as follows:

8. ..The scope of Section 33C(2) of the ID Act has been well defined. It is in the

nature of execution proceedings in which the Labour Court calculates the amount of money due to a workman which has already been adjudicated upon, but the Labour Court had no jurisdiction to first decide the workmen's entitlement/claim and then to proceed to compute the claim.

4. Learned Counsel for the Respondent could not dispute this position.

5. After hearing the parties and going through the records, I am satisfied that both the claims were seriously denied and disputed and prima facie there were valid reasons for contesting such claims. In that situation, the Labour Court could not have allowed such claims u/s 33C(2) of the ID Act.

6. In the result, this writ petition is allowed. The impugned Award is set aside. However, no costs.