

(1984) 11 P&H CK 0062
In the Punjab And Haryana At Chandigarh

The State of Punjab and Another	Vs	APPELLANT
Shri Gian Chand and Another		RESPONDENT

Date of Decision : 06-11-1984

Acts Referred:

Constitution of India, 1950 — Article 226, 227
Industrial Disputes Act, 1947 — Section 33C

Citation : (1985) 1 LLJ 535

Hon'ble Judges : Sukhdev Singh Kang, J

Bench : Single Bench

Judgement

Sukhdev Singh Kang, J.—The state of Punjab, through this writ petition under Articles 226 and 227 of the Constitution of India, has challenged the validity of the orders, dated October 25, 1977, of the Presiding Officer of the Labour Court, Jullundur (Annexure P-3).

2. It is not necessary to recapitulate the facts of the case in detail because the matter stands covered by a decision of the Supreme Court. It will suffice to mention that Gian Chand, respondent No. 1, filed an application u/s 33C(2) of the Industrial Disputes Act, 1947, for payment of gratuity under the Payment of Gratuity Act, 1972. This application was allowed by the Lower Court and the petitioner-State was directed to pay to Gian Chand, respondent, Rs. 5,096 as gratuity.

3. The Supreme Court in State of Punjab Vs. Labour Court Jullunder and Others, , has held at paras 7 and 8.

The Payment of Gratuity Aft enacts a complete code containing detailed provisions covering all the essential features of a scheme for payment of gratuity. Parliament intended that proceedings for payment of gratuity due under the Payment of Gratuity Act must be taken under the Act and not under any other Act. Therefore, the applications filed by the employee u/s 33C(2) of the Industrial Disputes Act did not lie, and the Labour Court has no jurisdiction to entertain and dispose of them.

4. It is thus clear that the application by the respondent, Gian Chand, u/s 33C(2) for the recovery of gratuity was not competent and the Labour Court had no jurisdiction to entertain and dispose of the same. The impugned order, dated October 25, 1977, of the Labour Court is wholly without jurisdiction and liable to be quashed.

5. Consequently, I allow this petition and quash the impugned order, but with no order as to costs.