



**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

(203)

**CWP No. 34972 of 2025
Date of Decision: 16.07.2026**

Haryana State Minor Irrigation and Tubewells
Corporation Ltd.

.....Petitioner

Versus

The Presiding Officer, Industrial Tribunal-cum-Labour Court
U.T., Chandigarh and others

....Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Pritam Singh Saini, Advocate with
Ms. Vamika Johar, Advocate and
Mr. Samyak Jain, Advocate
for the petitioner.

Mr. Raj Kaushik, Advocate
for respondent No. 2.

Mr. Kapil Bansal, DAG, Haryana.

KIRTI SINGH, J. (ORAL)

1. The present writ petition has been filed under Articles 226/227 of the Constitution of India for quashing of the order dated 22.8.2024 (Annexure P-13) whereby LCA No. 62/2019 filed under Section 33-C(2) of the Industrial Dispute Act, 1947 by respondent No. 2 has been allowed by the Industrial Tribunal-cum-Labour Court, U.T., Chandigarh (respondent No. 1).

2. At the very outset, learned counsel for the petitioner submits that the issue involved in the present petition already stands adjudicated by this Court in CWP No. 19395 of 2017 and other connected matters, decided on 27.11.2024.



3. Mr.Raj Kaushik, Advocate filed his memo of appearance on behalf of respondent No.2. He has not been able to controvert the submissions made by the learned counsel for the petitioner.

4. Having considered the submissions made by learned counsel for the parties and the facts and circumstances of the case, this Court finds that the controversy involved in the present petition is squarely covered by the judgment dated 27.11.2024 passed in CWP No. 19395 of 2017 and other connected matters. Consequently, the impugned order cannot be sustained and is liable to be set aside in terms of the aforesaid judgment, relevant para whereof reads thus:-

“10. From the afore-cited judgments and reading of Section 33C(2) of ID Act, it is clear that that there should be prior confirmed liability of the employer to invoke jurisdiction of Labour Court under the said section. The said liability may arise on account of award/judgment passed by court or on account of an instrument executed between the parties. In the absence of already determined liability, the employee cannot approach Labour Court under the said sub-section.

11. In the case in hand, the respondent was appointed as Junior Engineer. He was retrenched alongwith other employees on account of closure of the Unit. He was paid 3 months' salary in terms of Service Bye- Laws, 1980 of petitioner-Corporation. The petitioner is claiming that respondent was not workman and respondent is claiming that he was workman in terms of Section 2(s) of I.D. Act. It was a disputed question whether respondent was workman or not. The question could not be adjudicated by Labour Court while exercising power conferred under Section 33-C(2) of I.D. Act. From the arguments of both sides, it is difficult to conclude that there was no dispute between the parties or Management had raised frivolous or vexatious issue to deny claim of the respondent.

12. The Labour Court in exercise of power under Section 33-C(2) of I.D. Act cannot determine entitlement of retrenchment



compensation. It can order to employer to pay already determined compensation. Had any other Court already decided question of entitlement or petitioner, at any stage, accepted to pay at par with other workers, the Labour Court could proceed to exercise power under Section 33-C(2) of I.D. Act. The Labour Court has adjudicated disputed questions and thereafter ordered to pay to respondent at par with other workers. Section 33-C(2) of I.D. Act is sort of execution provision and in the absence of already adjudicated/determined entitlement to retrenchment compensation, the Labour Court could not ask the petitioner to pay retrenchment compensation like other workers. Compassion, sympathy or allegation of violation of any vested or fundamental right cannot vest jurisdiction in Labour Court or Tribunal. Labour Court is a creature of ID Act, thus, it cannot travel beyond or contrary to provisions or limits of ID Act. It has no inherent power though it carries ancillary powers which are necessary to exercise powers vested in it.

13. In the wake of above discussion and findings, this Court is of the considered opinion that impugned order(s) deserve to be set aside and accordingly set aside. All the petitions are hereby allowed. The respondents are at liberty to avail remedies as permissible by law. The amount deposited by petitioner with this Court is ordered to be refunded.”

5. Accordingly, the present writ petition is allowed. The impugned award dated 22.08.2024 (Annexure P-13) passed by the Industrial Tribunal-cum-Labour Court, U.T., Chandigarh is hereby quashed and set aside.

6. Pending miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)
JUDGE

July 16th, 2026
SwarnjitS

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No