

V/S

PRESIDING OFFICER INDUSTRIAL TRIBUNAL AND LABOUR
COURT AND ANR ...Respondents

6. CWP-21341-2023 (O&M)

CHANDIGARH CLUB LTD THROUGH ITS PRESIDENT
....Petitioner

V/S

PRESIDING OFFICER INDUSTRIAL TRIBUNAL AND LABOUR
COURT AND ANR ...Respondents

7. CWP-25625-2023 (O&M)

CHANDIGARH CLUB LTD THROUGH ITS PRESIDENT
....Petitioner

V/S

PRESIDING OFFICER INDUSTRIAL TRIBUNAL AND LABOUR
COURT AND ANR ...Respondents

8. CWP-25669-2023 (O&M)

CHANDIGARH CLUB LTD THROUGH ITS PRESIDENT
....Petitioner

V/S

PRESIDING OFFICER INDUSTRIAL TRIBUNAL AND LABOUR
COURT AND ANR ...Respondents

9. CWP-25670-2023 (O&M)

CHANDIGARH CLUB LTD THROUGH ITS PRESIDENT
....Petitioner

V/S

PRESIDING OFFICER INDUSTRIAL TRIBUNAL AND LABOUR
COURT AND ANR ...Respondents

10. CWP-25673-2023 (O&M)

CHANDIGARH CLUB LTD THROUGH ITS PRESIDENT
....Petitioner

V/S

PRESIDING OFFICER INDUSTRIAL TRIBUNAL AND LABOUR COURT AND ANR
...Respondents

11. CWP-25674-2023 (O&M)

CHANDIGARH CLUB LTD THROUGH ITS PRESIDENT
....Petitioner

V/S

PRESIDING OFFICER INDUSTRIAL TRIBUNAL AND LABOUR COURT AND ANR
...Respondents

12. CWP-25676-2023 (O&M)

CHANDIGARH CLUB LTD THROUGH ITS PRESIDENT
....Petitioner

V/S

PRESIDING OFFICER INDUSTRIAL TRIBUNAL AND LABOUR COURT AND ANR
...Respondents

13. CWP-25678-2023 (O&M)

CHANDIGARH CLUB LTD THROUGH ITS PRESIDENT
....Petitioner

V/S

PRESIDING OFFICER INDUSTRIAL TRIBUNAL AND LABOUR COURT AND ANR
...Respondents

14. CWP-2584-2024 (O&M)

CHANDIGARH CLUB LTD THROUGH ITS PRESIDENT
....Petitioner

V/S

PRESIDING OFFICER INDUSTRIAL TRIBUNAL AND LABOUR COURT AND ANR
...Respondents

15. CWP-2586-2024 (O&M)

CHANDIGARH CLUB LTD THROUGH ITS PRESIDENT
....Petitioner

V/S

PRESIDING OFFICER INDUSTRIAL TRIBUNAL AND LABOUR COURT AND ANR

16. ...Respondents
CWP-2587-2024 (O&M)

CHANDIGARH CLUB LTD THROUGH ITS PRESIDENT
....Petitioner
V/S

PRESIDING OFFICER INDUSTRIAL TRIBUNAL AND LABOUR
COURT AND ANR
...Respondents

17. **CWP-2589-2024 (O&M)**

CHANDIGARH CLUB LTD THROUGH ITS PRESIDENT
....Petitioner
V/S

PRESIDING OFFICER INDUSTRIAL TRIBUNAL AND LABOUR
COURT AND ANR
...Respondents

18. **CWP-2591-2024 (O&M)**

CHANDIGARH CLUB LTD THROUGH ITS PRESIDENT
....Petitioner
V/S

PRESIDING OFFICER INDUSTRIAL TRIBUNAL AND LABOUR
COURT AND ANR
...Respondents

19. **CWP-2592-2024 (O&M)**

CHANDIGARH CLUB LTD THROUGH ITS PRESIDENT
....Petitioner
V/S

PRESIDING OFFICER INDUSTRIAL TRIBUNAL AND LABOUR
COURT AND ANR
...Respondents

20. **CWP-2593-2024 (O&M)**

CHANDIGARH CLUB LTD THROUGH ITS PRESIDENT
....Petitioner
V/S

PRESIDING OFFICER INDUSTRIAL TRIBUNAL AND LABOUR
COURT AND ANR
...Respondents

21. CWP-2594-2024 (O&M)

CHANDIGARH CLUB LTD THROUGH ITS PRESIDENT
....Petitioner

V/S

PRESIDING OFFICER INDUSTRIAL TRIBUNAL AND LABOUR
COURT AND ANR
...Respondents

22. CWP-2595-2024 (O&M)

CHANDIGARH CLUB LTD THROUGH ITS PRESIDENT
....Petitioner

V/S

PRESIDING OFFICER INDUSTRIAL TRIBUNAL AND LABOUR
COURT AND ANR
...Respondents

23. CWP-2597-2024 (O&M)

CHANDIGARH CLUB LTD THROUGH ITS PRESIDENT
....Petitioner

V/S

PRESIDING OFFICER INDUSTRIAL TRIBUNAL AND LABOUR
COURT AND ANR
...Respondents

24. CWP-2599-2024 (O&M)

CHANDIGARH CLUB LTD THROUGH ITS PRESIDENT
....Petitioner

V/S

PRESIDING OFFICER INDUSTRIAL TRIBUNAL AND LABOUR
COURT AND ANR
...Respondents

25. CWP-2600-2024 (O&M)

CHANDIGARH CLUB LTD THROUGH ITS PRESIDENT
....Petitioner

V/S

PRESIDING OFFICER INDUSTRIAL TRIBUNAL AND LABOUR
COURT AND ANR
...Respondents

26. CWP-2601-2024 (O&M)

CHANDIGARH CLUB LTD THROUGH ITS PRESIDENT
....Petitioner

V/S

PRESIDING OFFICER INDUSTRIAL TRIBUNAL AND LABOUR
COURT AND ANR ...Respondents

27. CWP-2604-2024 (O&M)

CHANDIGARH CLUB LTD THROUGH ITS PRESIDENT
....Petitioner

V/S

PRESIDING OFFICER INDUSTRIAL TRIBUNAL AND LABOUR
COURT AND ANR ...Respondents

28. CWP-2605-2024 (O&M)

CHANDIGARH CLUB LTD THROUGH ITS PRESIDENT
....Petitioner

V/S

PRESIDING OFFICER INDUSTRIAL TRIBUNAL AND LABOUR
COURT AND ANR ...Respondents

29. CWP-2606-2024 (O&M)

CHANDIGARH CLUB LTD THROUGH ITS PRESIDENT
....Petitioner

V/S

PRESIDING OFFICER INDUSTRIAL TRIBUNAL AND LABOUR
COURT AND ANR ...Respondents

30. CWP-2607-2024 (O&M)

CHANDIGARH CLUB LTD THROUGH ITS PRESIDENT
....Petitioner

V/S

PRESIDING OFFICER INDUSTRIAL TRIBUNAL AND LABOUR
COURT AND ANR ...Respondents

31. CWP-2608-2024 (O&M)

CHANDIGARH CLUB LTD THROUGH ITS PRESIDENT
....Petitioner

V/S

PRESIDING OFFICER INDUSTRIAL TRIBUNAL AND LABOUR
COURT AND ANR ...Respondents

32. CWP-2610-2024 (O&M)

CHANDIGARH CLUB LTD THROUGH ITS PRESIDENT
....Petitioner

V/S

PRESIDING OFFICER INDUSTRIAL TRIBUNAL AND LABOUR
COURT AND ANR ...Respondents

33. CWP-2611-2024 (O&M)

CHANDIGARH CLUB LTD THROUGH ITS PRESIDENT
....Petitioner

V/S

PRESIDING OFFICER INDUSTRIAL TRIBUNAL AND LABOUR
COURT AND ANR ...Respondents

34. CWP-2612-2024 (O&M)

CHANDIGARH CLUB LTD THROUGH ITS PRESIDENT
....Petitioner

V/S

PRESIDING OFFICER INDUSTRIAL TRIBUNAL AND LABOUR
COURT AND ANR ...Respondents

35. CWP-2614-2024 (O&M)

CHANDIGARH CLUB LTD THROUGH ITS PRESIDENT
....Petitioner

V/S

PRESIDING OFFICER INDUSTRIAL TRIBUNAL AND LABOUR
COURT AND ANR ...Respondents

36. CWP-2618-2024 (O&M)

CHANDIGARH CLUB LTD THROUGH ITS PRESIDENT
....Petitioner

V/S

PRESIDING OFFICER INDUSTRIAL TRIBUNAL AND LABOUR
COURT AND ANR ...Respondents

37. CWP-2620-2024 (O&M)

CHANDIGARH CLUB LTD THROUGH ITS PRESIDENT
....Petitioner

V/S

PRESIDING OFFICER INDUSTRIAL TRIBUNAL AND LABOUR
COURT AND ANR ...Respondents

38. CWP-2622-2024 (O&M)

CHANDIGARH CLUB LTD THROUGH ITS PRESIDENT
....Petitioner

V/S

PRESIDING OFFICER, INDUSTRIAL TRIBUNAL AND LABOUR
COURT, U.T. CHANDIGARH AND ANOTHER
...Respondents

39. CWP-2623-2024 (O&M)

CHANDIGARH CLUB LTD THROUGH ITS PRESIDENT
....Petitioner

V/S

PRESIDING OFFICER, INDUSTRIAL TRIBUNAL AND LABOUR
COURT, U.T. CHANDIGARH AND ANOTHER
...Respondents

40. CWP-2638-2024 (O&M)

CHANDIGARH CLUB LTD THROUGH ITS PRESIDENT
....Petitioner

V/S

PRESIDING OFFICER, INDUSTRIAL TRIBUNAL AND LABOUR
COURT, U.T. CHANDIGARH AND ANOTHER
...Respondents

41. CWP-2643-2024 (O&M)

CHANDIGARH CLUB LTD THROUGH ITS PRESIDENT
....Petitioner

V/S

PRESIDING OFFICER, INDUSTRIAL TRIBUNAL AND LABOUR
COURT, U.T. CHANDIGARH AND ANOTHER
...Respondents

42. CWP-2647-2024 (O&M)

CHANDIGARH CLUB LTD THROUGH ITS PRESIDENT
....Petitioner

V/S

PRESIDING OFFICER, INDUSTRIAL TRIBUNAL AND LABOUR
COURT, U.T. CHANDIGARH AND ANOTHER
...Respondents

43. CWP-2653-2024 (O&M)

CHANDIGARH CLUB LTD THROUGH ITS PRESIDENT
....Petitioner

V/S

PRESIDING OFFICER, INDUSTRIAL TRIBUNAL AND LABOUR
COURT, U.T. CHANDIGARH AND ANOTHER
...Respondents

44. CWP-2656-2024 (O&M)

CHANDIGARH CLUB LTD THROUGH ITS PRESIDENT
....Petitioner

V/S

PRESIDING OFFICER, INDUSTRIAL TRIBUNAL AND LABOUR
COURT, U.T. CHANDIGARH AND ANOTHER
...Respondents

45. CWP-2657-2024 (O&M)

CHANDIGARH CLUB LTD THROUGH ITS PRESIDENT
....Petitioner

V/S

PRESIDING OFFICER, INDUSTRIAL TRIBUNAL AND LABOUR
COURT, U.T. CHANDIGARH AND ANOTHER

...Respondents

46. CWP-2660-2024 (O&M)

CHANDIGARH CLUB LTD THROUGH ITS PRESIDENT

....Petitioner

V/S

PRESIDING OFFICER, INDUSTRIAL TRIBUNAL AND LABOUR
COURT, U.T. CHANDIGARH AND ANOTHER

...Respondents

47. CWP-2662-2024 (O&M)

CHANDIGARH CLUB LTD THROUGH ITS PRESIDENT

....Petitioner

V/S

PRESIDING OFFICER, INDUSTRIAL TRIBUNAL AND LABOUR
COURT, U.T. CHANDIGARH AND ANOTHER

...Respondents

48. CWP-2663-2024 (O&M)

CHANDIGARH CLUB LTD THROUGH ITS PRESIDENT

....Petitioner

V/S

PRESIDING OFFICER, INDUSTRIAL TRIBUNAL AND LABOUR
COURT, U.T. CHANDIGARH AND ANOTHER

...Respondents

49. CWP-2671-2024 (O&M)

CHANDIGARH CLUB LTD THROUGH ITS PRESIDENT

....Petitioner

V/S

PRESIDING OFFICER, INDUSTRIAL TRIBUNAL AND LABOUR
COURT, U.T. CHANDIGARH AND ANOTHER

...Respondents

50. CWP-2673-2024 (O&M)

CHANDIGARH CLUB LTD THROUGH ITS PRESIDENT
....Petitioner

V/S

PRESIDING OFFICER, INDUSTRIAL TRIBUNAL AND LABOUR
COURT, U.T. CHANDIGARH AND ANOTHER
...Respondents

51. CWP-2674-2024 (O&M)

CHANDIGARH CLUB LTD THROUGH ITS PRESIDENT
....Petitioner

V/S

PRESIDING OFFICER, INDUSTRIAL TRIBUNAL AND LABOUR
COURT, U.T. CHANDIGARH AND ANOTHER
...Respondents

52. CWP-2676-2024 (O&M)

CHANDIGARH CLUB LTD THROUGH ITS PRESIDENT
....Petitioner

V/S

PRESIDING OFFICER, INDUSTRIAL TRIBUNAL AND LABOUR
COURT, U.T. CHANDIGARH AND ANOTHER
...Respondents

53. CWP-2678-2024 (O&M)

CHANDIGARH CLUB LTD THROUGH ITS PRESIDENT
....Petitioner

V/S

PRESIDING OFFICER, INDUSTRIAL TRIBUNAL AND LABOUR
COURT, U.T. CHANDIGARH AND ANOTHER
...Respondents

54. CWP-2679-2024 (O&M)

CHANDIGARH CLUB LTD THROUGH ITS PRESIDENT
....Petitioner

V/S

PRESIDING OFFICER, INDUSTRIAL TRIBUNAL AND LABOUR COURT, U.T. CHANDIGARH AND ANOTHER

...Respondents

55. CWP-2680-2024 (O&M)

CHANDIGARH CLUB LTD THROUGH ITS PRESIDENT

....Petitioner

V/S

PRESIDING OFFICER, INDUSTRIAL TRIBUNAL AND LABOUR COURT, U.T. CHANDIGARH AND ANOTHER

...Respondents

56. CWP-2681-2024 (O&M)

CHANDIGARH CLUB LTD THROUGH ITS PRESIDENT

....Petitioner

V/S

PRESIDING OFFICER, INDUSTRIAL TRIBUNAL AND LABOUR COURT, U.T. CHANDIGARH AND ANOTHER

...Respondents

57. CWP-2682-2024 (O&M)

CHANDIGARH CLUB LTD THROUGH ITS PRESIDENT

....Petitioner

V/S

PRESIDING OFFICER, INDUSTRIAL TRIBUNAL AND LABOUR COURT, U.T. CHANDIGARH AND ANOTHER

...Respondents

58. CWP-2683-2024 (O&M)

CHANDIGARH CLUB LTD THROUGH ITS PRESIDENT

....Petitioner

V/S

PRESIDING OFFICER, INDUSTRIAL TRIBUNAL AND LABOUR COURT, U.T. CHANDIGARH AND ANOTHER

...Respondents

59. CWP-2684-2024 (O&M)

CHANDIGARH CLUB LTD THROUGH ITS PRESIDENT

....Petitioner

V/S

PRESIDING OFFICER, INDUSTRIAL TRIBUNAL AND LABOUR COURT, U.T. CHANDIGARH AND ANOTHER

...Respondents

60. CWP-2685-2024 (O&M)

CHANDIGARH CLUB LTD THROUGH ITS PRESIDENT

....Petitioner

V/S

PRESIDING OFFICER, INDUSTRIAL TRIBUNAL AND LABOUR COURT, U.T. CHANDIGARH AND ANOTHER

...Respondents

61. CWP-2686-2024 (O&M)

CHANDIGARH CLUB LTD THROUGH ITS PRESIDENT

....Petitioner

V/S

PRESIDING OFFICER, INDUSTRIAL TRIBUNAL AND LABOUR COURT, U.T. CHANDIGARH AND ANOTHER

...Respondents

62. CWP-2687-2024 (O&M)

CHANDIGARH CLUB LTD THROUGH ITS PRESIDENT

....Petitioner

V/S

PRESIDING OFFICER, INDUSTRIAL TRIBUNAL AND LABOUR COURT, U.T. CHANDIGARH AND ANOTHER

...Respondents

63. CWP-2690-2024 (O&M)

CHANDIGARH CLUB LTD THROUGH ITS PRESIDENT

....Petitioner

V/S

PRESIDING OFFICER, INDUSTRIAL TRIBUNAL AND LABOUR
COURT, U.T. CHANDIGARH AND ANOTHER

...Respondents

64. CWP-2692-2024 (O&M)

CHANDIGARH CLUB LTD THROUGH ITS PRESIDENT

....Petitioner

V/S

PRESIDING OFFICER, INDUSTRIAL TRIBUNAL AND LABOUR
COURT, U.T. CHANDIGARH AND ANOTHER

...Respondents

65. CWP-2694-2024 (O&M)

CHANDIGARH CLUB LTD THROUGH ITS PRESIDENT

....Petitioner

V/S

PRESIDING OFFICER, INDUSTRIAL TRIBUNAL AND LABOUR
COURT, U.T. CHANDIGARH AND ANOTHER

...Respondents

66. CWP-2696-2024 (O&M)

CHANDIGARH CLUB LTD THROUGH ITS PRESIDENT

....Petitioner

V/S

PRESIDING OFFICER, INDUSTRIAL TRIBUNAL AND LABOUR
COURT, U.T. CHANDIGARH AND ANOTHER

...Respondents

67. CWP-2699-2024 (O&M)

CHANDIGARH CLUB LTD THROUGH ITS PRESIDENT

....Petitioner

V/S

PRESIDING OFFICER, INDUSTRIAL TRIBUNAL AND LABOUR
COURT, U.T. CHANDIGARH AND ANOTHER

...Respondents

68. CWP-2703-2024 (O&M)

CHANDIGARH CLUB LTD THROUGH ITS PRESIDENT

....Petitioner

V/S

PRESIDING OFFICER, INDUSTRIAL TRIBUNAL AND LABOUR
COURT, U.T. CHANDIGARH AND ANOTHER

...Respondents

69. CWP-2705-2024 (O&M)

CHANDIGARH CLUB LTD THROUGH ITS PRESIDENT

....Petitioner

V/S

PRESIDING OFFICER, INDUSTRIAL TRIBUNAL AND LABOUR
COURT, U.T. CHANDIGARH AND ANOTHER

...Respondents

70. CWP-2706-2024 (O&M)

CHANDIGARH CLUB LTD THROUGH ITS PRESIDENT

....Petitioner

V/S

PRESIDING OFFICER, INDUSTRIAL TRIBUNAL AND LABOUR
COURT, U.T. CHANDIGARH AND ANOTHER

...Respondents

71. CWP-2708-2024 (O&M)

CHANDIGARH CLUB LTD THROUGH ITS PRESIDENT

....Petitioner

V/S

PRESIDING OFFICER, INDUSTRIAL TRIBUNAL AND LABOUR
COURT, U.T. CHANDIGARH AND ANOTHER

...Respondents

72. CWP-2709-2024 (O&M)

CHANDIGARH CLUB LTD THROUGH ITS PRESIDENT

....Petitioner

V/S

PRESIDING OFFICER, INDUSTRIAL TRIBUNAL AND LABOUR
COURT, U.T. CHANDIGARH AND ANOTHER

...Respondents

73. CWP-2710-2024 (O&M)

CHANDIGARH CLUB LTD THROUGH ITS PRESIDENT

....Petitioner

V/S

PRESIDING OFFICER, INDUSTRIAL TRIBUNAL AND LABOUR
COURT, U.T. CHANDIGARH AND ANOTHER

...Respondents

74. CWP-2711-2024 (O&M)

CHANDIGARH CLUB LTD THROUGH ITS PRESIDENT

....Petitioner

V/S

PRESIDING OFFICER, INDUSTRIAL TRIBUNAL AND LABOUR
COURT, U.T. CHANDIGARH AND ANOTHER

...Respondents

75. CWP-2712-2024 (O&M)

CHANDIGARH CLUB LTD THROUGH ITS PRESIDENT

....Petitioner

V/S

PRESIDING OFFICER, INDUSTRIAL TRIBUNAL AND LABOUR
COURT, U.T. CHANDIGARH AND ANOTHER

...Respondents

76. CWP-2716-2024 (O&M)

CHANDIGARH CLUB LTD THROUGH ITS PRESIDENT

....Petitioner

V/S

PRESIDING OFFICER, INDUSTRIAL TRIBUNAL AND LABOUR
COURT, U.T. CHANDIGARH AND ANOTHER

...Respondents

77. CWP-2717-2024 (O&M)

CHANDIGARH CLUB LTD THROUGH ITS PRESIDENT
....Petitioner

V/S

PRESIDING OFFICER, INDUSTRIAL TRIBUNAL AND LABOUR
COURT, U.T. CHANDIGARH AND ANOTHER
...Respondents

78. CWP-2718-2024 (O&M)

CHANDIGARH CLUB LTD THROUGH ITS PRESIDENT
....Petitioner

V/S

PRESIDING OFFICER, INDUSTRIAL TRIBUNAL AND LABOUR
COURT, U.T. CHANDIGARH AND ANOTHER
...Respondents

79. CWP-2724-2024 (O&M)

CHANDIGARH CLUB LTD THROUGH ITS PRESIDENT
....Petitioner

V/S

PRESIDING OFFICER, INDUSTRIAL TRIBUNAL AND LABOUR
COURT, U.T. CHANDIGARH AND ANOTHER
...Respondents

80. CWP-2598-2024 (O&M)

CHANDIGARH CLUB LTD THROUGH ITS PRESIDENT
....Petitioner

V/S

PRESIDING OFFICER, INDUSTRIAL TRIBUNAL AND LABOUR
COURT, U.T. CHANDIGARH AND ANOTHER
...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

PRESENT: Mr. Anand Chhibber, Senior Advocate with
Ms. Shreya B. Sarin, Advocate,

Mr. Ranjan Lohan, Advocate & Mr. Shaurya Khanna, Advocate
for the petitioner(s).

Mr. T.S. Sidhu, Advocate for respondent-Workmen
in all the petitions.

HARSIMRAN SINGH SETHI , J. (Oral)

1. Present is the bunch of eighty writ petitions, the details of which are mentioned in the heading involve common question of law in the context of common set of facts and thus they are being decided by a common order. For the sake of convenience, facts are being drawn from CWP No.16589 of 2023.
2. In the present petition, the challenge is to the award passed by the Labour Court dated 04.10.2022 (Annexure P-7) under Section 33-C(2) of the Industrial Disputes Act, 1947 (“hereinafter referred as 1947 Act”) by which, a benefit of the letter issued by the petitioners dated 29.12.2012 (Annexure P-3) has been given for the period, the petitioners have not been paid the salary by the increase of amount of Rs.500/- per month.
3. Learned Senior Counsel appearing on behalf of the petitioners argues that in view of said letter, which was issued for enhancing the salary by Rs.500/- per month with effect from 01.12.2012, the benefit had already been given in the earlier proceedings for the period upto 2013 and thereafter, the matter was settled but now again, the application under Section 33-C(2) of the 1947 Act was filed in October, 2020 seeking the arrears on the increase of the salary by Rs.500/- per month qua the period starting from 01.08.2013 till 30.06.2019.

4. Learned Senior counsel for the petitioners submits that the letter dated 29.12.2012 (Annexure P-3) cannot be made applicable again and again and further, no such issue could have been raised by filing an application under Section 33-C(2) of 1947 Act rather than getting the said issue adjudicated by way of reference under the provisions of the 1947 Act.

5. Learned Senior counsel for the petitioners further submits that though the salary of the respondent-Workmen was increased vide letter dated 29.12.2012 but thereafter, the management decided to give the employees the minimum wages hence, the said increase stands merged in the minimum wages not to be given any further, which aspect has not been looked into while passing the impugned award dated 04.10.2022 (Annexure P-7).

6. Learned counsel appearing on behalf of the respondent-Workman submits that the similar issue was raised for the grant of benefit of the letter dated 29.12.2012 (Annexure P-3) by filing an application under Section 33-C (2), in which order was passed by the Labour Court on 04.01.2016 wherein, the benefit of the said letter dated 29.12.2012 was extended to the employees upto 31.07.2013 and once, the said benefit has been given upto a particular date, the petitioner-Management was under obligation to comply with the said letter for the remaining period also but as they failed, an appropriate order has been passed by the Labour Court while exercising jurisdiction under Section 33-C(2) hence, the impugned award dated 04.10.2022 (Annexure P-7) may kindly be upheld.

7. I have heard learned counsel for the parties and have gone through the records of the present case with their able assistance.

8. The first question which arises before this Court is whether, such kind of an award could be passed by the Labour Court under Section 33-C(2) of the Industrial Disputes Act, 1947 or not by which, the benefit of the letter dated 29.12.2012 (Annexure P-7) wherein, the salary of the respondent-Workmen was enhanced by Rs.500/- per month, can be granted.

9. In order to appreciate the said issue, Section 33-C(2) of the Industrial Disputes Act, 1947 is reproduced hereunder for the ready reference:-

“(2)Where any workman is entitled to receive from the employer any money or any benefit which is capable of being computed in terms of money and if any question arises as to the amount of money due or as to the amount at which such benefit should be computed, then the question may, subject to any rules that may be made under this Act, be decided by such Labour Court as may be specified in this behalf by the appropriate Government] [Substituted by Act 36 of 1964, Section 19, for Section 33-C (w.e.f. 19.12.1964).] [within a period not exceeding three months:] [Inserted by Act [46 of 1982](#), Section 19 (w.e.f. 21.8.1984).] [Provided that where the presiding officer of a Labour Court considers it necessary or expedient so to do, he may, for reasons to be recorded in writing, extend such period by such further period as he may think fit.] [Inserted by Act [46 of 1982](#), Section 19 (w.e.f. 21.8.1984).]”

10. A bare perusal of the said provision makes it clear that where any workmen is entitled to receive from employer any money or any benefit which is capable of being computed in terms of the money and any question arises with regard to the amount of money due or as to amount at which such benefit should be computed then, the question may be decided by the Labour Court subject to any Rule made under this Act.

11. It may be further noticed that in the present bunch of cases, a grievance was raised by the union of the workers before the respondents with regard to enhancement of their salary by Rs.1000/- in the year 2012.

12. It has also come on record that the said issue was kept pending till the management meeting, which meeting was to be held on 23.12.2012 and on 23.12.2012, the management of the petitioner accepted the demand of the respondent-Workmen so as to enhance their salary by Rs.500/- per month w.e.f. 01.12.2012. The relevant extract of the decision which is Annexure P-3, is as under:-

*“Chandigarh Club Employees Union
Sector-1, Chandigarh*

This is with reference to our letter dated 23rd December, 2012 and the demands raised by you, the Management has decided to increase your salary by Rs.500/- per month w.e.f. 01st December, 2012.

*A.P. Khan
Additional Secretary.”*

13. A bare perusal of the above would show that the petitioner-management accepted the demand of the Union. Once, the management accepted the demand of the respondent-Workmen, that would amount to settlement between the parties and any amount which is due under a settlement, can be claimed under Section 33-C(2) of the 1947 Act.

14. Not only this, once, a similar award dated 04.01.2016 was passed for a particular period ending upto the year 2013 and the said award dated 04.01.2016 was accepted by the petitioners by withdrawing the writ

petition, which was filed challenging the said award dated 04.01.2016, it cannot be said that the subsequent award on the same lines for a subsequent period, is arbitrary or illegal.

15. Once, the earlier award dated 04.01.2016 stands accepted by the petitioners for the grant of the same benefit for a particular period, the directions given in the impugned awards challenged in the present bunch of petitions for a subsequent period, cannot be treated as arbitrary or illegal.

16. The petitioners will be bound by their earlier conduct of having accepting earlier award dated 04.01.2016 on the same under same circumstances for a particular period hence, petitioner cannot raise any grievance with regard to the impugned award granting same benefit for the subsequent period.

17. With regard to the argument of the learned counsel for the petitioner that after the issuance of the letter dated 29.12.2012 (Annexure P-2), the salary of the respondent-Workmen was enhanced under the Minimum Wages Act hence, the letter dated 27.12.2012 would not have any applicability, it may be noticed that the said action, will not take away the right which was extended by the Management. In case, any such action was taken, the petitioner should have passed a further order that no further benefit of the letter dated 29.12.2012 (Annexure P-2) will be given to the employees henceforth. In the absence of passing of such order or till any such order is passed, the benefit has to be given to the employees.

17. Keeping in view the totality of the circumstances, as the award dated 04.10.2022 (Annexure P-7) is akin to the award dated 04.01.2016, which award has already been accepted by the petitioners and implemented,

no ground is made out for any interference by this Court in the facts and circumstances of the present bunch of cases especially when the impugned award is not shown to be perverse either to the facts or evidence on record.

18. Present writ petitions stands dismissed.

19. Pending application(s), if any, shall stand disposed of.

20. Photocopy of this order be placed on the files of other connected cases.

29.05-2025
Sapna Goyal

(HARSIMRAN SINGH SETHI)
JUDGE

NOTE: Whether speaking: YES
Whether reportable: NO