



CWP-6491-2025 **2**

3. I have heard learned counsel for the petitioner-workman and have gone through the record with his able assistance.

4. Section 33-C (2) of the Industrial Disputes Act, 1947 is as under:

“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).”

5. A bare perusal of the above would show that under Section 33-C (2) of the 1947 Act only the admitted claims can be executed or a settlement between the parties can be enforced. In the present case, the claim was being made for the release of the salary from March 2020 to December 2020 without there being any Award that there is a master and servant relationship between the petitioner-workman and the respondents No.2 and 3 and what was his salary which was being claimed. Rather as per the claim raised, same is to be adjudicated as is a case of reference and not of execution as being claimed by the petitioner-workman under Section 33-C (2) of the 1947 Act.



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6. It is a settled principle of law that where the adjudication of the claim is to be done, the same cannot be done under Section 33-C (2) of the Industrial Disputes Act, 1947. Hence, the rejection of the claim of the petitioner-workman that his salary should be adjudicated and should be released to him was not within the preview of Section 33-C (2) of the Industrial Disputes Act, 1947.

7. No ground is made out for any interference by this Court in the facts and circumstances of the present case.

8. Accordingly, the writ petition is dismissed.

March 10, 2025

harsha

(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No