



CWP-15120-2022 :1:

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

269

CWP-15120-2022 (O&M)
Date of decision : 17.02.2025

WORKERS OF PANIPAT CO-OPERATIVE SUGAR MILL LTD.

..... Petitioner

VERSUS

THE PRESIDING OFFICER, INDUSTRIAL TRIBUNAL CUM
LABOUR COURT AND OTHERS

..... Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present :- Mr. Amit Kaushik, Advocate,
Ms. Divya Arora, Advocate and
Mr. Himanshu Sharma, Advocate
for the petitioner.

Mr. Saurabh Girdhar, AAG, Haryana.

Mr. Jagdeep Singh Rana, Advocate
for respondent No.3.

Harsimran Singh Sethi, J. (Oral)

1. In the present petition, the grievance being raised by the petitioner is that the reference raised by the petitioner-Union against the award dated 03.03.2022 (Annexure P-1) has been held to be time barred on the basis of Section 2A (3) of Industrial Disputes Act, 1947 (hereinafter referred to as '1947 Act'), which provision was made part of the '1947 Act' in the year 2010 by way of amendment act 24 of 2010.

2. Learned counsel for the petitioner without appreciating the fact



CWP-15120-2022 :2:

submits that the said reference was raised in the year 2008 and further that on the date when the issue was being decided, the said Section 2A (3) of 1947 Act had already been deleted in the year 2016 and that without noticing the said fact, the now repealed Section 2A (3) of 1947 Act has been applied in the case of the petitioner so as to decline their claim.

3. Learned counsel for the respondents submits that once Section 2A (3) of 1947 Act was brought into the 1947 Act in the year 2010 and the reference of the petitioner was pending at that time only, the same has rightly been taken into account.

4. I have heard learned counsel for the parties and have gone through the record with their able assistance.

5. The said issue has already been decided by this Court while passing order in **CWP-20272 of 2023 titled as Nannu Ram Vs. National Institute of Pharmaceutical Education and Research and others decided on 03.02.2025** wherein it has already been held that the question whether Section 2A (3) of 1947 Act will be applicable after the deletion or not is to be decided keeping in view the facts and circumstances of each case and in the present case where the reference was filed in the year 2008 prior to the insertion of Section 2A (3) of the 1947 Act coupled with the fact that on the day when the issue of reference was decided in the year 2022, the said Section 2A (3) of 1947 Act had already been deleted, the required and necessary findings were to be given by the Labour Court which are concededly missing. Hence, keeping in view the above the award dated 03.03.2022 (Annexure P-1) is set aside. The matter is remanded back to the



CWP-15120-2022 :3:

Labour Court for fresh adjudication.

6. It is hereby made clear that all the arguments available to the petitioner as well as respondents including any argument for the issue of maintainability of the reference are open to be raised again, which is to be adjudicated by the Tribunal while passing a fresh award.

**(HARSIMRAN SINGH SETHI)
JUDGE**

17.02.2025

Rimpal

Whether speaking/reasoned	Yes/No
Whether Reportable :	Yes/No