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**BEFORE COURT OF THE PRESIDING OFFICER,
LABOUR COURT AT VALSAD**

[Presided over by Mr. Chaitanya V. Limbachiya, Judge]

Recovery Application No. 112 of 2018

[Under Section 33C(2) of the Industrial Disputes Act, 1947]

Arising out of

Reference T L.C.V. No. 651 of 2000

Decided on 16-02-2018

Exh-15

APPLICANT :

SHRI BHANABHAI LAKHANBHAI PATEL

Residing at Nevri, Parsi Faliya,

Tal. Pardi Dist. Valsad

% GUJARAT RAJYA KAMDAR SEVA SANGH

At Sai Plaza Complex, B/204, Second Floor,

Opp. Telephone Exchange, G.I.D.C. Char Rasta,

Tal. Vapi Dist. Valsad

VERSUS

RESPONDENT :

DY. EXECUTIVE ENGINEER SHRI

DAMANGANGA NAHER PETA VIBHAG - 11,

Killa Pardi, Tal. Pardi Dist. Valsad

Appearance :

For the Applicant Mr. R. M. Prajapati,
For the Respondent Ld. ADGP Mr. B.R. Prajapati.

ORDER**FACTS OF APPLICATION:**

1. Present application under Section 33C(2) of the Industrial Disputes Act, 1947 (hereinafter referred to as “the ID Act”) filed for recovery of ₹ 5,10,817/-. It is contended that said amount is alleged to be due and payable to the applicant by the respondents for the period from 01-06-1999 to 31-07-2018 as per the order dated 16-02-2018 passed in Reference T LCV No. 651 of 2000 as per statutory entitlement under the Act. It is stated that the said amount of the order remains unpaid despite demand. Hence, the present application has been filed.

CASE PROCEEDINGS:

2. Notices of the recovery application issued to the respondent who appeared through Additional District Government but did not file any reply. However, during the pendency of proceedings, it is contended that Respondents have challenged similar awards passed through a group of petitions which had been disposed of. Respondent had produced a list of calculations of backwages at Exh-11. Further, it had produced a list at Exh-14 indicating a copy of communications initiated for payment of backwages. None of the parties to the application had adduced any evidence. Thereafter, the matter is then taken for final arguments.

ARGUMENTS OF THE PARTIES:

3. An Authorized Representative for the applicant had argued in line of the facts narrated in the application. He prayed to allow the application considering the fact of non-payment of outstanding statutory dues as per award passed in the reference alongwith interest. On other hand, the Ld. Advocate of the Respondent had argued that as per order of the Hon'ble High Court, the respondent had already initiated appropriate proceedings to the concerned department. Hence, he argued that necessary order be passed and the present application shall be dismissed.

POINT OF DETERMINATION :

4. Following points arises for determination of present application along with its findings :

Sr No.	Issue	Finding
1.	Whether the applicants are entitled for reliefs as claimed ?	In the Partly-affirmative,
2.	What order ?	As per final Order.

:REASONS & ANALYSIS:

5. The foremost requirement to invoke jurisdiction under Section 33(C)2 of the ID Act is that the workman's right to receive the benefit or money claimed must be pre-existing, undisputed, and already adjudicated or settled.
6. **On perusal** of the record, it is crystal clear that:
- The Award dated 16-02-2018 passed in Original Reference T LCV No. 651 of 2000 was subject to challenge before Hon'ble High Court in Special Civil Application No. 2820 of 2019.
 - In said petition, the Hon'ble High Court had passed an order dated 07-10-2024 along with other connected

matters of similar references by modifying the original award passed in reference by reducing the amount of backwages to 25%.

- Applicant is retired on 30-06-2019 as being born on 01-06-1959. Therefore, as per modified order of the Hon'ble High Court, the amount of 25% backwages for the period from 09-05-1999 to 17-06-2019 would come around ₹ 2,53,462/- (*Rupees Two Lakh Fifty Three Thousands Four Hundred Sixty Two Only*). Further, the amount of calculation produced by the Respondent is not disputed by the applicant.
- Nothing is brought on record by the Respondents that said amount had been paid to the applicant.

7. **Regarding Claim of Bonus**, the law is well settled as per ruling of Hon'ble Supreme Court in HP State Electricity Board v. Ranjeet Singh, AIR 2008 SC (Supp) 1602 and Municipal Corporation of Delhi v. Ganesh Razak, (1995) 1 SCC 235 that the Labour Court has no jurisdiction under Section 33(C)(2) to determine entitlement to bonus or any benefit when the very basis of such entitlement is disputed; it can only compute a benefit flowing from a pre-existing right. Hence, a relief of Bonus cannot be given.
8. **As far as relief of leave salary** is concerned, no proof has been brought on record by the applicant that he is actually entitled to said benefits for the claimed period. Hence, relief claimed for salary of Earned Leave, Sick Leave and Casual Leave cannot be granted.
9. **In conclusion**, it is held that the applicant is entitled to recover ₹ 2,53,462/- (*Rupees Two Lakh Fifty Three Thousands Four Hundred Sixty Two Only*) for the period from 09-05-1999

to 17-06-2019 from the Respondent being the amount of backwages as per modified order of the Hon'ble High Court instead of claimed amount mentioned in Annexure-A as being retired.

10. Further, considering the order of the Hon'ble High Court, this court does not deem fit to pass any order with respect to either costs or interest as prayed by the applicant. In light of the aforesaid discussion, this court answers the Issue No. 1 in Partly-affirmative and for the Issue No. 2 hereby passes the following :

ORDER

1. The Present Application is hereby **PARTLY-ALLOWED**.
2. Respondent is ordered to pay ₹ 2,53,462/- (*Rupees Two Lakh Fifty Three Thousands Four Hundred Sixty Two Only*) to the applicant within 30 days from date of this order.
3. Upon non-payment, a Recovery Certificate under Section 33C(1) of the ID Act, is directed to be issued to the Collector, Valsad for recovery as arrears of land revenue.
4. No order as to costs.

Pronounced in open Court on 29th October, 2025.

Place : Valsad
Date : 29-10-2025

[Chaitanya V. Limbachiya]
Presiding Officer & Judge,
Labour Court, Valsad.
Judge Code : GJ01556