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* IN THE HIGH COURT OF DELHI AT NEW DELHI

% *Date of Decision: August 14th, 2026*

CNR No. DLHC010326862007

+ W.P.(C) 2164/2007

THE DIVISIONAL PERSONNEL OFFICEPetitioner

Through: Ms. Pratima N. Lakra, CGSC
with Ms. Santha Smruthi,
Advocates.

versus

RAM NATH GAUTAM THRU L.RRespondent

Through: Mr. Zahid Hanief, Advocate.

CORAM:**HON'BLE MR. JUSTICE AMIT MAHAJAN****AMIT MAHAJAN, J. (Oral)**

1. The present petition is filed under Article 226/227 of the Constitution of India assailing order dated 07.09.2006 (hereinafter '**impugned order**') passed by the learned Presiding Officer, Central Government Industrial Tribunal cum Labour Court- II (hereinafter '**Labour Court**') in I.D No. 13/1999 whereby the application filed by the workman under Section 33C (2) was allowed.

2. Briefly stated, the workman/respondent was working at the Northern Railway Headquarters, Baroda House, New Delhi. The workman initially filed an application under Section 33C (2) of the Industrial Disputes Act, 1947 ('**ID Act**') seeking payment of overtime



wages of the period from 04.11.1986 to 15.04.1989 from the Railway Department/ Petitioners. The learned Labour Court *vide* order dated 22.01.1999 decided the said application by directing the Railway Department to scrutinize the overtime slips of the workman within a period of one month and make payments of the amount found to be due to the workman, if any.

3. Pursuant to the same, after considering the claim of the workman, the Railway Department *vide* letter dated 13.03.1999 informed the workman that his claim was not found legally tenable and thus, he was not entitled to any amount of overtime allowance.

4. Thereafter, the workman filed another application under Section 33C (2) of the ID Act seeking payment of overtime wages for the period from 04.11.1986 to 15.04.1989 from the Railway Department.

5. The learned Tribunal *vide* order dated 07.09.2006 directed the petitioner department to make payment of entire overtime allowances from 01.10.1987 to 15.04.1989 to the workman.

6. Aggrieved thereby, the present petition has been filed.

7. The learned counsel for the petitioner submits that the learned Labour Court failed to consider that claim of the respondent was barred by delay and laches having been filed in the year 1999, for overtime claims of the year 1989.

8. She submits that the learned Labour Court erred in entertaining the respondent's application under Section 33C (2) of the Industrial Disputes Act, 1947, as the very entitlement to overtime wages was disputed. She submits that Section 33C (2) only permits computation



of an existing or pre-existing right and does not confer jurisdiction to adjudicate a disputed claim. She submits that, in the present case, the respondent's claim had been specifically denied by the petitioner Department.

9. She further submits that the learned Labour Court has failed to consider that the petitioner department objected to the claim of the respondent on merits as the Overtime receipt was not prepared as per the rules and it was not signed by the supervisory officer of the respondent. She submits that the genuinity of the overtime receipts was in question but despite the same the learned Labour Court passed the impugned order. She submits that the respondent, being non-running staff, was not entitled to claim the entire period of travel as duty for the purpose of overtime.

10. *Per Contra*, the learned counsel for the respondent vehemently opposes the present petition. He submits that the learned Labour Court had the appropriate jurisdiction to decide the present matter.

11. He submits that the present matter is not barred by delay and laches, as the respondent had initially approached the learned Labour Court by filing an application under Section 33C(2) of the ID Act in 1993. He submits that the learned Labour Court, *vide* order dated 22.01.1999, had directed the petitioner to scrutinize the respondent's overtime slips and pay the amount found due. He submits that, when the petitioner failed to make the payment, the respondent was constrained to approach the learned Labour Court again.

12. He further submits that no ground for interference under Article



226 of the Constitution has been made out and prays that the present petition be dismissed.

13. At the outset, this Court finds it appropriate to deal with the objection regarding delay and laches.

14. In the opinion of this Court, the respondent has sufficiently explained the delay. The respondent had initially approached the learned Labour Court in 1993 in respect of the present claim, pursuant to which the learned Labour Court, *vide* order dated 22.01.1999, directed the petitioner to scrutinize his overtime slips and make payment of the amount, if any, found due. It is thereafter that the respondent approached the learned Labour Court again upon the petitioner denying his claim. The present petition, therefore, cannot be dismissed merely on the ground of delay and laches.

15. This Court shall now consider the petitioner's contention that the learned Labour Court lacked jurisdiction to entertain the respondent's application under Section 33C(2) of the ID Act.

16. It is pertinent to note that Section 33C (2) of the ID Act provides that any workman who is entitled to receive any money or benefit from his employer and a question arises as to the amount of money due, the same shall be decided by the Labour Court. The said provision provides as under:

(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; 1 [within a



period not exceeding three months:]

[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.]

17. Admittedly, the learned Labour Court, *vide* its order dated 22.01.1999 passed in LAC No. 148/1993, had directed the petitioner to scrutinize the respondent's overtime slips and make payment of the amount found due. The relevant extract of the said order reads as under:

"Statement of the witness recorded. In view of the statement of the witnesses management is directed to scrutinize the overtime slips of the workman within one month from today and make payment whatever amount is found due within one month failing which management shall pay Rs. 500/- as costs to the applicant of the litigation. In case no amount is found due according to rules they will intimate to the workman and his representative in writing by registered post that the amount is not payable within next one month i.e. before 30 April,99. The case stands disposed off accordingly."

18. Thus, the respondent's entitlement to overtime payment had already been recognised by the learned Labour Court, subject to scrutiny of the overtime slips and determination of the amount found due. The present proceedings were initiated when the petitioner department denied that any amount was due to the respondent. The question before the learned Labour Court was, therefore, whether the petitioner had correctly determined that no overtime dues were payable to the respondent and, if not, the amount that was actually due.

19. Such determination pertains to the computation of an existing



right already recognised in favour of the respondent and falls within the scope of Section 33C(2) of the ID Act. The mere fact that the petitioner disputed the amount payable would not, in the facts of the present case, take the matter outside the jurisdiction of the learned Labour Court under Section 33C(2).

20. However, the petitioner has also raised specific objections to the respondent's claim on merits. It has been contended that the overtime slips were not prepared in accordance with the applicable rules and were not signed by the supervisory officer. The petitioner has also disputed the genuineness and validity of the overtime slips and contended that the respondent, being non-running staff, was not entitled to claim the entire period of travel as duty for the purpose of overtime.

21. Having perused the impugned order, this Court finds that the learned Tribunal has not properly considered or adjudicated the aforesaid objections raised by the petitioner. The learned Labour Court ought to have considered the petitioner's objections regarding the manner in which the slips were prepared, their authentication and the period for which overtime could legitimately be claimed.

22. The learned Tribunal was required to examine the aforesaid objections and determine the amount, if any, payable to the respondent in accordance with the applicable rules and the material on record. The failure to consider these material objections renders the impugned order unsustainable to that extent and warrants reconsideration of the respondent's claim on merits.



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23. In view of the aforesaid, the impugned order is set aside and the matter is remanded to the learned Tribunal for fresh consideration of the respondent's claim in accordance with law.

24. It is clarified that this Court has not expressed any opinion on the merits of the respondent's claim or the objections raised by the petitioner, and the learned Tribunal shall consider the same independently and in accordance with law.

25. The learned Tribunal shall endeavour to decide the matter afresh, preferably within a period of six months from the date of this order.

26. A copy of this order be communicated to the learned Labour Court for necessary compliance.

AMIT MAHAJAN, J

AUGUST 14, 2026

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