

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/SPECIAL CIVIL APPLICATION NO. 163 of 2024

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LABTECH DISPOSAL

Versus

LD. PRESIDING OFFICER THROUGH REGISTRAR

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Appearance:

IG JOSHI(8726) for the Petitioner(s) No. 1

for the Respondent(s) No. 1,2

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CORAM:HONOURABLE MRS. JUSTICE MAUNA M. BHATT

Date : 08/01/2024

ORAL ORDER

1. Heard learned advocate Mr. I. G. Joshi for the petitioner. He submitted that the Labour Court, Kalol without adjudication allowed the application filed by the respondent under Section 33C(2) of the Industrial Disputes Act, 1947 ('the Act' for short). He submitted that there are various issues denied by the petitioner – Company in the written statement despite that the application under Section 33C(2) of the Act has been allowed without adjudication. In support of his submissions, he relied upon the decision of the Hon'ble Supreme Court in the case of **Bombay Chemicals Industries V/s Deputy Labour Commissioner** reported in **2022 5 SCC 629**. He submitted that as per the settled legal position, in an application under Section 33C(2) of the Act, the Labour Court has no jurisdiction to adjudicate the dispute of entitlement or the basis of claim of workmen.

2. Learned advocate for the petitioner further submitted that the amount as directed has been deposited before the Labour Court, Kalol. So far as the workman is concerned he has also challenged the award dated 19.06.2023 wherein this Court in Special Civil Application No. 19026 of 2020 has issued notice.

3. Considering the submission, issue **Notice** returnable on **14.02.2024**. The amount deposited before the Labour Court, Kalol may not be disbursed in favour respondent workman without the prior permission of this Court.

(MAUNA M. BHATT,J)

SHRIJIT PILLAI