

ITEM NO.204

COURT NO.7

SECTION XV

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).12594/2004

(From the judgement and order dated 11/12/2003 in WP No. 19285/2003 of The

HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

NAGAR COUNCIL, RAJPURA

Petitioner(s)

VERSUS

TAJINDER SINGH & ORS.

Respondent(s)

(With appln(s) for c/delay in filing SLP,exemption from filing c/c of the impugned

Judgment and office report) (FOR FINAL DISPOSAL)

WITH SLP(C) NO. 12600 of 2004

(With appln(s) for c/delay in filing SLP and exemption from filing c/c of the impugned Judgment) (FOR FINAL DISPOSAL)

SLP(C) NO. 12603 of 2004

(With appln(s) for c/delay in filing SLP and exemption from filing c/c of the impugned Judgment) (FOR FINAL DISPOSAL)

SLP(C) NO. 12611 of 2004

(With appln.(s) for c/delay in filing SLP and ad-interim ex-parte stay) (FOR FINAL

DISPOSAL)

SLP(C) NO. 12592 of 2004

(With appln(s) for c/delay in filing SLP and exemption from filing c/c of the impugned

Judgment, prayer for interim relief and office report)

SLP(C) NO. 12597 of 2004

(With appln(s) for c/delay in filing SLP and exemption from filing c/c of the impugned

Judgment, prayer for interim relief and office report)

SLP(C) NO. 12606 of 2004

(With appln(s) for c/delay in filing SLP and exemption from filing c/c of the impugned

Judgment, prayer for interim relief and office report)

SLP(C) NO. 12608 of 2004

(With appln(s) for c/delay in filing SLP and exemption from filing c/c of the impugned

Judgment, prayer for interim relief and office report)

SLP(C) NO. 11357 of 2004

(With appln.(s) for exemption from filing c/c of the impugned judgment,
prayer for

interim relief and office report)

SLP(C) NO. 12612 of 2004

(With appln(s) for c/delay in filing SLP and exemption from filing c/c of the impugned

Judgment, prayer for interim relief and office report)

SLP(C) NO. 12614 of 2004

(With appln(s) for c/delay in filing SLP and exemption from filing c/c of the impugned

Judgment, prayer for interim relief and office report)

Date: 15/12/2006 This Petition was called on for hearing today.

CORAM :

2

HON'BLE MR. JUSTICE S.B. SINHA

HON'BLE MR. JUSTICE MARKANDEY KATJU

For Petitioner(s) Mr. Ajay Majithia, Adv.

Mr. Rajesh Kumar, Adv.

Dr. Kailash Chand, Adv.

Mr. R.K. Talwar, Adv.

Mr. S.L. Aneja, Adv.

For Respondent(s)

Mr. Arun K. Sinha, Adv.

Mr. K.G. Bhagat, Adv.

Mr. Vineet Bhagat, Adv.

Mr. Monohar Singh Bakshi, Adv.

Mr. Debasis Misra, Adv.

State of Punjab

Mr. Sanjay Jain, Adv.

Mr. Mukesh Kumar, Adv.

Mr. Vinay Arora, Adv.

UPON hearing counsel the Court made the following

O R D E R

Delay condoned.

Leave granted.

Appeals are dismissed in terms of the signed order.

(Ravi P. Verma)

Court Master

(Pushap Lata Bhardwaj)

Court Master

[Signed order is placed on the file]

NAGAR COUNCIL, RAJPURA

APPELLANT

(S)

Versus

TAJINDER SINGH & ORS.

RESPONDENT

(S)

WITH

C.A. NO. 5881 OF 2006[@ SLP(C) No.12600/2004]

C.A. NO. 5882 OF 2006[@ SLP(C) NO. 12603/2004]

C.A. NO. 5883 OF 2006[@ SLP(C) NO. 12611/2004]

C.A. NO. 5874 OF 2006[@ SLP(C) NO. 12592/2004]

C.A. NO. 5875 OF 2006[@ SLP(C) NO. 12597/2004]

C.A. NO. 5876 OF 2006[@ SLP(C) NO. 12606/2004]

C.A. NO. 5877 OF 2006[@ SLP(C) NO. 12608/2004]

C.A. NO. 5878 OF 2006[@ SLP(C) NO. 11357/2004]

C.A. NO. 5879 OF 2006[@ SLP(C) NO. 12612/2004]

C.A. NO. 5880 OF 2006[@ SLP(C) NO. 12614/2004]

O R D E R

Delay condoned.

Leave granted.

The claim of the workmen, inter alia, is based on a

decision of this Court in Municipal Employees Union (Regd.)

Sirhind & Ors. Vs. State of Punjab & Anr., (2000) 9 SCC

432. Paragraph 19 of the said decision reads as under:

"If all these conditions are satisfied, then appropriate relief under Section 33-C(2) of the Industrial Disputes Act can be granted to the appellants in appropriate proceedings."

In the light of the said observations, the learned counsel submits that the question as to whether the workmen are entitled to wages for extra work or not must be determined in terms of the provisions of the said rules and not in a separate proceeding under the Industrial Disputes Act, and the High Court, thus, fell into error in issuing the impugned direction.

An application under Section 33-C(2) would be maintainable if the workmen has a legal right in relation to his claim. They will have to establish the same. In such a proceeding, undisputedly the appellants shall be entitled to raise all contentions before the Industrial Court. We, therefore, do not find any merit in these appeals.

Appeals are dismissed.

.....J.

(S.B. SINHA)

5

New Delhi;

.....J.

December 15, 2006.

(MARKANDEY KATJU)