

**THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR  
COURT, JABALPUR**

**NO. CGIT/LC/C/04/2017**

**Present: P.K.Srivastava**

**H.J.S..(Retd)**

1. P. S. Sarkar,  
S/o S. Sarkar,  
R/o 1/39, MIG 2nd, Jawahar Nagar,  
Nanakhera, Distt. Ujjain (M.P.)

**Workman**

**Versus**

1. Sub Regional Manager,  
Chhatarpur, Sub Region, V. Co. Ltd.,  
Pathakhera Area, Post Pathakhera,  
Distt. Betul M.P.
2. Mines Manager,  
Chhatarpur – I , Post Pathakhera,  
Distt. Betul M.P.

**Management**

**(J U D G M E N T)**

**(Passed on this 6<sup>th</sup> day of October, 2025)**

The petitioner workman has filed this petition with an assertion that he had worked with the management and superannuated on 01.07.2013. The management awarded him punishment on stoppage of two annual increments with cumulative effect from 01.03.2007 and 01.03.2008 vide its order dated 08.03.2006, which was not implemented within 90 days,

*C/04/2017*

hence, became unenforceable under ***Payment of Wages Act, 1936***, section 8(6) of the Act. The management implemented the said order beyond limitation time in violation of *Payment of Wages Act* and stopped two increments of the workman with cumulative effect which has resulted into loss of further increments, consequently, loss of other benefits namely bonus, fixation of salary, promotions, etc and retiral benefits as well pension, which amounts to Rs. 8,32,258/- which he has claimed with an interest @ 18% from management.

In this reply, the management has stated that the petitioner was awarded punishment of stoppage of two increments with cumulative effect which was implemented, there is no illegality in its implementation because Section 8(6) of *Payment of Wages Act, 1936* does not apply to such of the case, also that the petition is not maintainable under section 33(c)(2) of the ***Industrial Disputes Act 1947*** Act.

Both the sides have filed affidavits, to be referred to as and when required.

I have heard arguments of the Learned Counsel for the petitioner workman Mr. Swapnil Khare and Learned Counsel, Mr. Neeraj Kewat for the Management. I have gone through the record as well.

As regards, the maintainability of the petition, Section 33(c)(2) provides as under:-

**33C. Recovery of money due from an employer.— (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; within a period not exceeding three months.***

As regards, the second objection taken by the petitioner workman Section 8(6) of the Payment of Wages Act, 1936 is being reproduced as follows:-

***8. Fines.— (6) No fine imposed on any employed person shall be recovered from him by installments or after the expiry of 1 [ninety days] from the day on which it was imposed.***

It is clear from perusal of this provision that it is applicable only with respect to recovery of fines, etc. Hence, on this score also the claim fails.

**Hence, on the basis of above discussion and findings, the petition lacks merit and is liable to be dismissed.**

**ORDER**

**Petition dismissed.**

**DATE:- 06-10-2025**

**(P.K.SRIVASTAVA)  
PRESIDING OFFICER**