

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

**NO. CGIT/LC/C/18/2017**

**Present: P.K.Srivastava**

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

**Harishankar Namdeo,  
S/o Shri C.L. Namdeo  
Aged 74 years,  
R/o M.I.G. (I) /26 Trilok Nagar,  
Ujjain Road, Dewas (M.P.)**

**Workman**

**Vs**

- 1. The Union of India,  
Ministry of Finance, New Delhi**
- 2. The General Manger  
Security Paper Mill (Govt. of India)  
Ministry of Finance Hoshangabad (M.P.)**

**Management**

**(JUDGMENT)**

**(Passed on this 17<sup>th</sup> day of January-2025)**

**The Applicant Workman** has file this petition under **Section 33 (C) (2) of the Industrial Disputes Act, 1947** (in short the 'Act'), requesting Tribunal to determine the amount due on him which he is entitled to be paid by the Opposite Party/Management.

**Facts connected in brief are** that, according to the petition, the Applicant first joined the services of the workman in 1968 and retired on 31<sup>st</sup> January, 2004. Government of India appointed 6<sup>th</sup> Central Pay Commission whose report was accepted w.e.f. 01.01.2006. According to the petitioner, his pension was not fixed correctly as admitted by the Government of India Ministry of Personnel P.G. and Pension issued vide Office Memorandum No. F. No. 38/37/08-P&PW(A) dated 28<sup>th</sup> January,

2013. There was some dispute with respect to this circular which was finally decided by Hon'ble Supreme vide order dated 17.03.2015 in Civil Appeal No. (S) 8875-8876 of 2011 along with related appeals. It is further the Case of the Workman that due to wrong calculation of benefits, he has been deprived Rs. 500/- per month from 01.01.2006 to 23.09.2012 more in his pension amount which he is entitled to.

**The case of the Management**, in its written objection, is mainly that, **firstly**, the pension is paid by limitation and **secondly**, he is not entitled to the difference of amount claimed Rs. 500/- per month as mentioned because after his superannuation, he was granted Revised Pension on Pay Band of 7502 from 01.01.2006 due to 6<sup>th</sup> Pay Commission which is higher than the claim made by the Applicant/Petitioner.

**The petitioner has filed affidavit** to which the management has not filed any counter. Management has filed Revised Pension Slip of the Workman dated 23.04.2012 which is on record. Workman has filed photocopy of the Office Memorandum with list of Revised Pension/Family Pension of pre-2006 retirees, also filed Revised Pension Slip dated 02.09.2013.

**I have heard argument of** Learned Counsel Mr. Neeraj Kevat for Petitioner and Mr. Anand Nayak for the opposite party. I have gone through the record as well.

**As regards the first point raised** by the opposite party regarding limitation, the Section 33 (C)(2) of the Act is being reproduced as follows:

**33C. Recovery of money due from an employer.**—(1) Where any money is due to a workman from an employer under a settlement or an award or under the provisions of Chapter VA or Chapter VB, the workman himself or any other person authorised by him in writing in this behalf, or, in the case of the death of the workman, his assignee or heirs may, without prejudice to any other mode of recovery, make an application to the appropriate Government for the recovery of the money due to him, and if the appropriate Government is satisfied that any money is so due, it shall issue a certificate for that amount to the Collector who shall proceed to recover the same in the same manner as an arrear of land revenue:

Provided that every such application shall be made within one year from the date on which the money became due to the workman from the employer:

Provided further that any such application may be entertained after the expiry of the said period of one year, if the appropriate Government is satisfied that the applicant had sufficient cause for not making the application within the said period.

(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:

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.

(3) For the purposes of computing the money value of a benefit, the Labour Court may, if it so thinks fit, appoint a commissioner who shall, after taking such evidence as may be necessary, submit a report to the Labour Court and the Labour Court shall determine the amount after considering the report of the commissioner and other circumstances of the case.

(4) The decision of the Labour Court shall be forwarded by it to the appropriate Government and any amount found due by the Labour Court may be recovered in the manner provided for in sub-section (1).

(5) Where workmen employed under the same employer are entitled to receive from him any money or any benefit capable of being computed in terms of money, then, subject to such rules as may be made in this behalf, a single application for the recovery of the amount due may be made on behalf of or in respect of any number of such workmen.

Explanation.—In this section “Labour Court” includes any court constituted under any law relating to investigation and settlement of industrial disputes in force in any State.

**It is clear that though there is** the limit of one year for filling an application under Section 33 (C)(2), there is no such limit for filing a petition under Section 33 (C)(2) of the Act. In the case in hand, the matter has been finally settled by Hon’ble Supreme Court in 2015 in the case as mentioned above. The petition has been filed before this Tribunal on 07.12.2017, hence, it cannot be held to be much delayed. Accordingly,

first argument of Learned Counsel for opposite party/ management fails.

**As regards, the second argument** regarding admissibility of the claim, the Office Memo dated 28.01.2013 speaks that pension of pre-2006 Retires has revised w.e.f. 01.01.2006 in terms of Para 4.1 or 4.2 of the aforesaid O.M. dated 01.09.2008, has maintained from time to time, can be further stepped up to 50% of the sum of Minimum of pay in the pay Band and Grade pay expanding to pre revised pay scale from which the pensioner has retired. This is also mentioned that, these orders will take effect from the date of approval of Government i.e. 24.09.2012. There will be no change in the amount of Revised Pension/ Family Pension paid during the period 01.01.2006 to 23.09.2012 and therefore, no arrears will be payable on account of these orders for that period. According to Management, the Pay Scale in which the Workman retired was 4500-125-7000/-. It was revised under 7<sup>th</sup> Pay Commission, in force from 01.01.2006 and a corresponding pay scale was 5200-20200/-, Grade Pay 2800/-. His pension was revised from 01.01.2006. Since, he is already getting revised pension from 01.01.2006, he is not entitled to arrears. From record I did not find any occasion to disagree with this proportion of fact. Hence, holding the petition sans merit it is liable to be dismissed.

**ORDER**

**Petition under Section 33 (C)(2) is Dismissed.**

**No order as to cost.**

**DATE:- 17/01/2025**

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