

**BEFORE CENTRAL GOVT. INDUSTRIAL TRIBUNAL CUM –
LABOUR COURT No. 1, NEW DELHI**

LCA No. 1080/2022

Sh. Ambrish Kumar vs. Indraprastha Gas Ltd.

Sh. Ambrish Kumar S/o Sh. Suresh Chand,
R/o B-10/257, Brijpuri, Gokulpuri, Delhi-110094,
Through Indraprastha Gas (CNG), Shram Sangh,
Chamber No. 75, Civil Side, Tis Hazari, Delhi-110054.

...Applicant/Claimant

Versus

M/s Indraprastha Gas Limited.

... Management/respondent

Counsels:

For Applicant/ Claimant:

Sh. B.S. Rawat, Ld. AR.

For Management/ Respondent:

Ms. Ravi Birbal, Ld. AR.

Order dated: 26.08.2025

The present application has been filed under section 33-C (2) of the Industrial Disputes Act, 1947 (**Hereinafter referred to as 'the Act'**). The applicant, in his application, stated that the management had assailed the award dated 05.01.2011 passed by Sh. J.P.S. Malik, Presiding Officer, Labour Court, Karkardooma, New Delhi before the Hon'ble High Court of Delhi in W.P. (C) no. 3743/2013. The applicant also moved an application therein under section 17-B of the Act. The Hon'ble High court, vide order dated 21.11.2014, disposed of the application directing the management to pay the applicant minimum wages per month along with an annual interest @ 12%.

The applicant thereafter filed a claim before the Regional Labour Commissioner (Central), Jeevandeep Building, Connaught Place, New Delhi-110001. From there, Wages up to September 2019 were recovered. On the second occasion, when this matter was brought before the concerned commissioner, it was directed to the management by the said authority to pay an amount of Rs. 3,87,826/-, though it is alleged that the Commissioner deducted an amount of Rs. 12,484/-

wrongly. When the matter was brought before the Labour Commissioner the third time, the authority vide order dated 06.05.2022 directed the applicant to move an application before this tribunal. Hence, the present application has been filed for computation of the amount in terms of the order passed by the Hon'ble High Court of Delhi.

The applicant has stated that the due amount is Rs. 6,03,113/-. He has also furnished the calculation for wages from October 2019 to August 2021, which is as follows:

- **October 2019 to March 2020:** Rs. 666 × 26 days = Rs. 17,316 × 6 months = Rs. 1,03,896/-
- **April 2020 to September 2020:** Rs. 695 × 26 days = Rs. 18,070 × 6 months = Rs. 1,08,420/-
- **October 2020 to March 2021:** Rs. 707 × 26 days = Rs. 18,382 × 6 months = Rs. 1,10,292/-
- **April 2021 to August 2021:** Rs. 714 × 26 days = Rs. 18,564 × 6 months = Rs. 1,11,384/-.

Total = Rs. 4,33,992/-

Interest = 12% × 3 years = Rs. 1,56,237/-

Total sum = Rs. 5,90,229/- + Rs. 12,484/- (deducted earlier) = Rs. 6,03,113/-

Hence, the applicant has sought a direction to the management to release an amount of Rs. 6,03,113/-.

The management filed its reply stating that it has already paid a huge amount under section 17B of the Act, i.e., about over Rs. 15 Lakhs. It is further submitted that the claimant failed to appear before the Hon'ble High Court on several occasions and is, in fact, seeking interpretation and execution of order of Hon'ble High Court which is not permissible. According to the management, the claimant has unduly enriched himself at the cost of the management.

I have heard the arguments advanced by both parties, and perused the provisions of section 33-C (2) of the Act. Before proceeding further, 33-C-(2) of the Act is required to be reproduced herein:

(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:]

1 [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.]

Certain facts are admitted by the management, i.e.,

- The applicant filed a claim for reinstatement with full back wages before the Labour Court-VII, East District, Karkardooma Courts, Delhi (I.D. No. 107/2006).
- The claim was allowed in favour of the applicant and against the management vide order dated 05.01.2011, directing reinstatement with full backwages.
- The management preferred a writ petition in 2013 (W.P. (C) 3743/2013) challenging the award.
- The workman's application under Section 17-B of the Act was allowed by the Hon'ble High Court vide order dated 21.11.2014, directing the management to pay subsistence allowance by the 10th of every month.

It is evident that the applicant was constrained to move repeated applications for recovery of amounts due under section 17B of the Act.

The applicant has computed his dues at Rs. 6,03,113/-. This computation has not been specifically disputed by the management. The only objection raised is regarding jurisdiction of this tribunal, with objection that the applicant must approach the Labour Commissioner for execution of the award. The management has also alleged that the applicant has not been diligent in appearing abefore the Hon'ble High Court of Delhi, and therefore, the matter has been lingering on, due to which the applicant is getting unduly enriched. Reliance has also been placed upon the judgment of ***Kaivalyadham Employees Association vs.***

Kaivalyadham S.M.Y.M. Samity passed by the Hon'ble Bombay High Court on 28.01.20009, (**AIR ONLINE 2009 SC 106, 2003 CRI LJ 161**), wherein it was held that Labour Courts have no jurisdiction to entertain applications filed under section 33-C (2) of the Act for recovery of amounts under section 17B of the Act.

In the present case, however, the Labour Commissioner has already entertained and executed the claim twice for recovery of amount under section 17B of the Act. Subsequently, the Regional Labour Commissioner (Central), vide their order dated 06.05.2022, disposed of the application filed by the applicant holding that the subject matter of the instant claim did not fall under the provision of section 33-C(1) of the Act. Being constrained, the applicant filed the present application before this tribunal. Directing the applicant once again to approach the Labour commissioner would amount to unnecessary harassment. This tribunal is vested with ample powers to calculate the dues.

The respondent herein has not denied that the claimant is entitled to the amount claimed. Its entire object is upon the alleged conduct of the claimant for not appearing before the Hon'ble High Court, which is beyond the scope of adjudication before this tribunal. The Hon'ble High Court is competent to assess the conduct of the parties in the writ petition. The applicant's conduct before the High Court is not subject matter of this tribunal. Its role is limited to determining whether the applicant is entitled to receive the claimed amount. Later on, an additional reply had also been filed by the management to divert the attention of this tribunal. Otherwise, this objection was not taken before the Labour Commissioner earlier.

From the facts admitted, it is clear that the applicant is entitled to the said dues. Accordingly, this tribunal directs the respondent to pay a sum of Rs. 6,03,113/- (Rupees Six Lakh Three Thousand One Hundred Thirteen only) to the applicant within a month, failing which the amount shall carry further interest @12% per annum. The file is consigned to the record room.

Dated 26.08.2025

ATUL KUMAR GARG
Presiding Officer
CGIT – cum – Labour Court – I