

Union of India

Vs

Gurbachan Singh and Another

SLP (C) No. 9652 of 1997

(K. Ramaswamy, D. P. Wadhwa JJ)

21.04.1997

ORDER

1. Delay condoned.

2. The respondent, when he entered into service did not place any documentary evidence like school leaving certificate etc. in support of his date of birth. Consequently, his case came to be referred to the Medical Board. Before the Medical Board, the respondent stated that his age was 20 years, but the Board on the basis of his appearance and other features was of the opinion that he was around 25 years. He was due to retire from service on 30-11-1980. But he was allowed to retire on 30-11-1984. On reference, the Railway Board gave the ex post facto sanction and directed the petitioner to retire him w.e.f. 30-11-1984 and retain him in service from 1-12-1980 to 30-11-1984 after giving him re-employment on usual terms and conditions. The respondent feeling aggrieved, filed application before the Labour Court under Section 33-C(ii) of the Industrial Disputes Act, 1947 claiming all retiral benefits; the Labour Court granted him reliefs prayed for. The petitioners challenged the order of the Labour Court in WP No. 9647 of 1996, which was dismissed by the High Court in limine on 10-7-1996. Thus, this special leave petition.

3. The power and jurisdiction of the Labour Court/Industrial Court under Section 33-C(ii) of the Industrial Disputes Act, 1947 were dealt with by this Court in Municipal Corpn. of Delhi v. Ganesh Razak [(1995) 1 SCC 235 : 1995 SCC (L&S) 296 : (1995) 29 ATC 93]. It was held that the Labour Court is devoid of power and jurisdiction to adjudicate upon fresh claim or to give directions on that basis. The Labour Court at best has power to interpret the award and then work out the wages payable to the workmen in terms of the award etc. Shri Singhvi, learned Additional Solicitor General appearing for the petitioner, contends that in view of the above decision, the view taken by the Labour Court is not correct in law. We find some force in the contention raised by the learned counsel. However, in view of the law already settled by this Court in the above judgment, we think that on the facts and circumstances, this case does not warrant interference. However, it is directed that the judgment of the High Court or Labour Court should not be treated as a precedent for any future cases as it is not consistent with the law laid down by this Court.

4. The Special leave petition is accordingly dismissed.