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**IN THE HIGH COURT OF MADHYA PRADESH  
AT JABALPUR**

**BEFORE  
HON'BLE SHRI JUSTICE VIVEK AGARWAL**

**ON THE 10<sup>th</sup> OF JANUARY, 2024**

**WRIT PETITION No. 10306 of 2017**

**BETWEEN:-**

1. **KAILASH SHARMA S/O NOT MENTION ACTING PRESIDENT, M.P VIDHYUT KARMCHARI JANTA UNION NARSINGHPUR, DISTT. RAJGARH (MADHYA PRADESH)**
2. **SHRI O.P.SAXENA S/O LATE SHRI M.L.SAXENA, AGED ABOUT 58 YEARS, R/O 73/84 SHIVDHAM COLONY, KURAWAR, TEHSIL NARSINGHGARH, DISTT. RAJGARH (MADHYA PRADESH)**

**.....PETITIONERS**

***(BY SHRI ARVIND SHRIVASTAVA - ADVOCATE)***

**AND**

1. **MUKHYA MAHAPRABANDHAK MADHYA PRADESH KSHETRA VIDYUT VITARAN COMPANY LIMITED GOVINDPURA BHOPAL, DISTT. BHOPAL (MADHYA PRADESH)**
2. **MAHA PRAVANDHAK MADHYA KSHETRA VIDYUT VITRAN CO. LTD. NAKE PASS RAJGARH BYAVARA, DISTT. RAJGARH (MADHYA PRADESH)**
3. **UP MAHAPRABANDHAK MADHYA KSHETRA VIDYUT VITRAN CO. LTD. BYPASS CHOURAHA, BYAVARA, DISTT. RAJGARH (MADHYA PRADESH)**

**.....RESPONDENTS**

***(BY SHRI ANOOP NAIR - ADVOCATE)***

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*This petition coming on for admission this day, the court passed the following:*

**ORDER**

This petition is filed being aggrieved of the order dated 20/04/2017

passed by the Labour Court No.2, Bhopal in Case No.08/2014 ID Ref. whereby learned Labour Court rejected the reference made by the appropriate Government to the effect as to whether delay in payment of benefit of increments and revised pay scale will entitle the workmen to the amount of interest or not.

2. Shri Arvind Shrivastava, learned counsel for the petitioners, submits that definition of Industrial Dispute is given in Section 2 (k) of the Industrial Disputes Act, 1947. “Industrial dispute” means any dispute or difference between employees and employers, or between employers and workmen, or between workmen and workmen, which is connected with the employment or non-employment or the terms of employment or with the conditions of labour, of any person. Thus, it is submitted that since the matter originates from non-payment of increments and revision of pay scale in time, it will be an industrial dispute, therefore, Labour Court wrongly adverted to the aspect of not having jurisdiction.

3. Shri Anoop Nair, learned counsel for the respondents, submits that Second Schedule deals with the matters within jurisdiction of Labour Court. It is submitted that as per Second Schedule, under Section 7, matters which can be adjudicated by the Labour Court will not cover the dispute in regard to payment of interest on delayed disbursement of amount of increments and pay fixation.

4. After hearing learned counsel for the parties and going through the record, Second Schedule, Section 7 of the Industrial Disputes Act, 1947 deals with the matter within the jurisdiction of Labour Court. It provides that Labour Court can deal with the aspect of the propriety or legality of an order passed by an employer under the standing orders; the application and interpretation of

standing orders; discharge or dismissal of workmen including reinstatement of, or grant of relief to, workmen wrongly dismissed; withdrawal of any customary concession or privilege; illegality or otherwise of a strike or lock-out; and all matters other than those specified in the Third Schedule.

5. After going through the Third Schedule, it is evident that payment of salary which includes revised salary and fixation of salary which includes revision of pay scale as made admissible from time to time are not covered under the Third Schedule, therefore, they will be covered by Clause 6 and 3 under the Second Schedule i.e. all matters other than those specified in the Third Schedule. Besides this, payment of revised salary and increments is a customary privilege to which an employee is entitled from the date when it is made affective. Delay in payment of salary or the increments will definitely come within the provisions contained in Clause-4 and 6 to the Second Schedule, therefore, when examined from this aspect, order passed by the Labour Court cannot be given a seal of approval, hence, order passed by the Labour Court is hereby set aside. It is directed that petitioners will be entitled to payment of interest on the amount of delayed payment of arrears of increments and pay fixation @ 9% from the date when they became due.

6. Respondents will be entitled to recover the amount, if so required to be paid after making payment to the petitioner from delinquent employee who was responsible in illegally withholding the increments and fixation of revised pay scale despite the fact that no departmental enquiry was conducted and no order of stoppage of increment was ever inflicted on the petitioner.

7. In above terms, this writ petition is allowed and disposed of.

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