

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

**BEFORE**

**HON'BLE SHRI JUSTICE G.S. AHLUWALIA**

**ON THE 2<sup>nd</sup> OF AUGUST, 2024**

**MISCELLANEOUS PETITION No. 3689 of 2024**

***ENGINEER IN CHIEF AND OTHERS***

*Versus*

***RAKESH BHARGAV***

.....  
**Appearance:**

***Shri Mohan Sausarkar – Government Advocate for the petitioners/State.  
Shri Swapnil Khare – Advocate for the respondent on Caveat.***

.....

**ORDER**

This petition under Article 227 of Constitution of India has been filed seeking following relief(s):-

- (i) To call for the record of the present case decided on 04-09-2023 passed by Presiding Officer, Labour Court, Bhopal in Case No.47/I.D. Act/2019 Claim, parties Rakesh Bhargav Vs. Engineer-in-Chief, in the interest of Justice.
- (ii) To issue a writ in the nature of certiorari and quash the order dated 04-09-2023 passed by Presiding Officer, Labour Court, Bhopal in Case No.47/I.D. Act/2019 Rakesh Bhargav Vs. Engineer-in-Chief, in the interest of Justice.
- (iii) Any other relief which the Hon'ble Court deems fit and proper under the facts and circumstances of this case together cost of the petition.

2. It is the case of petitioners that according to the respondent,

although he was appointed as a daily wager and he was paid as such but the work of Time Keeper was taken from him, accordingly he filed case No.218/MPIR/1998 and an Award was passed wherein it was held that respondent is entitled for salary of Time Keeper and petitioners were also directed to pay the arrears of his salary of Time Keeper.

3. Petitioners preferred an Appeal before Industrial Court Bhopal which was registered as Appeal No.58/MPIR/2001 which was dismissed by order dated 05/01/2002. Thereafter, petitioners preferred Writ Petitions before this Court which were registered as W.P. No.4382/2008 and W.P. No.183/2013, which were decided on 18/10/2016 and the orders of Labour Court and Industrial Court were maintained. It is submitted that now the respondent had approached the Labour Court under Section 33(C)(2) of Industrial Disputes Act for recovery of arrears of pay and by the impugned order, Labour Court has directed for payment of Rs.7,97,522/-. It is submitted by counsel for petitioners that since the respondent has approached the Labour Court belatedly on 01/10/2019, therefore the claim for recovery of arrears of the salary as awarded by the Labour Court which was affirmed by the High Court is barred by time.

4. Considered the submissions made by counsel for the petitioners.

5. Counsel for petitioners could not point out any provision of law which provides for period of limitation for filing an application under Section 33(C)(2) of Industrial Disputes Act.

6. Furthermore, even according to the petitioners, the order passed by the Labour Court was assailed by petitioners before Industrial Court and order of Industrial Court was assailed by petitioners before the High Court and Writ Petitions were dismissed by order dated 18/10/2016 and

respondent had approached the Labour Court under Section 33(C)(2) of Industrial Disputes Act on 01/10/2019, therefore it cannot be said that the application filed by respondent under Section 33(C)(2) of Industrial Disputes Act suffered from delay and laches.

7. As no jurisdictional error was committed by the Labour Court, accordingly order dated 04/09/2023 passed by Labour Court No.1 Bhopal in case No.47/I.D. Act/2019 Claim, is hereby **affirmed**.

8. Petition fails and is hereby **dismissed**.

(G.S. AHLUWALIA)  
JUDGE

S.M.