

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Letters Patent Appeal No.827 of 2025**

**In**

**Civil Writ Jurisdiction Case No.17753 of 2018**

Siya Singh Son of Late Rewa Singh, Resident at Village- Machhariyawan,  
Police Station-Fatuha, District- Patna ... .. Appellant

Versus

1. The State of Bihar through Principal Secretary, Department of Labour, Government of Bihar, Patna.
2. District Magistrate-Cum-Collector, Patna.
3. Certificate Officer-Cum-District, Panchayati Raj Officer, Patna.
4. Bihar State Road Transport Corporation through its Administrator, Pariwahan Bhawan, Veer Chand Patel Road, Patna.
5. Administrator, Bihar State Road Transport Corporation, Pariwahan Bhawan, Veer Chand Patel Road, Patna.
6. Chief Accounts Officer, Bihar State Road Transport Corporation, Pariwahan Bhawan, Veer Chand Patel Road, Patna.
7. Divisional Manager, Bihar State Road Transport Corporation, Patna Division, Bankipur, Patna.

... .. Respondents

With

**Letters Patent Appeal No. 829 of 2025**

**In**

**Civil Writ Jurisdiction Case No.2592 of 2014**

Siya Singh Son of Late Rewa Singh Ex- Conductor, Bihar State Road  
Transport Corporation, Bankipur Depot, Patna, Permanent resident of Village-  
Machhariyawan, Police Station- Fatuha, District- Patna. ... .. Appellant

Versus

1. The Bihar State Road Transport Corporation through the Chief of Administration, Birchand Patel Marg, Patna.
2. The State of Bihar.
3. The Presiding Officer, Labour Court, Patna.

... .. Respondents

**Appearance :**

(In Letters Patent Appeal No. 827 of 2025)

For the Appellant/s : Mr. Raj Shekhar, Adv.  
For the State : Mr. Yogendra Pd. Sinha, AAG-7  
Mr. Rakesh Ambastha, AC to AAG-7  
For the B.S.R.T.C. : Mr. Prabhat Kumar Verma, Sr. Adv.  
Mr. Jainendra Kumar Sinha, Adv.

(In Letters Patent Appeal No. 829 of 2025)

For the Appellant/s : Mr. Raj Shekhar, Adv.  
For the State : Mr. Yogendra Pd. Sinha, AAG-7  
Mr. Rakesh Ambastha, AC to AAG-7  
For the B.S.R.T.C. : Mr. Prabhat Kumar Verma, Sr. Adv.



Mr. Lakshmi Kant Tiwary, Adv.

**CORAM: HONOURABLE THE CHIEF JUSTICE  
and  
HONOURABLE MR. JUSTICE HARISH KUMAR**

**ORAL JUDGMENT  
(Per: HONOURABLE THE CHIEF JUSTICE)**

**Date : 07-05-2026**

Both the Letters Patent Appeals have been filed by the appellant Siya Singh challenging the common order dated 23.06.2025 passed by the learned Single Judge in C.W.J.C. No. 2592 of 2014 and C.W.J.C. No. 17753 of 2018, whereby the writ petition filed by the Bihar State Road Transport Corporation (hereinafter referred to as, 'Corporation') vide C.W.J.C. No. 2592 of 2014 was allowed and the writ petition filed by the appellant Siya Singh vide C.W.J.C. No. 17753 of 2018 was dismissed.

**C.W.J.C. No. 2592 of 2014**

2. C.W.J.C. No. 2592 of 2014 was filed by the Corporation through the Chief of Administration with a prayer for quashing the judgment dated 19.06.2013, passed by the learned Presiding Officer, Labour Court in Misc. Case No. 02 of 2008 in directing for payment of back wages to the tune of Rs. 11,70,990/- (Rupees Eleven Lakh Seventy Thousand Nine Hundred Ninety only) after computation under Section 33C(2) of the Industrial Disputes Act, 1947 (hereinafter referred to as, "I.D. Act, 1947") as per the award dated 14.11.2006 passed by



the said Court in Reference Case No. 24 of 1995 under section 10(1)(c) of I.D. Act, 1947.

3. It is the case of the Corporation in C.W.J.C. No. 2592 of 2014 that the appellant was working as a Conductor in the Corporation, in Bankipur Depot, Patna and on 24.01.1978, while he was on duty in vehicle no. BHT-8015 (Rupauli – Patna service), during checking, it was found that the appellant had realized fare from ten unbooked passengers illegally without giving them any tickets, and there were seventeen unbooked passengers in the bus, and he had committed misconduct with the checking party and, as such, the charge was framed against him and after proper departmental enquiry, it was proved that he collected illegal money from the unbooked passengers and ultimately he was dismissed from service on 19.09.1978.

4. The dispute was referred by the Govt. of Bihar to the Labour Court and Reference Case No. 24 of 1995 was initiated under Section 10(1)(c) of I.D. Act, 1947 and the terms of reference were as follows:

*“Whether the termination of services of Siya Singh, Conductor, Bihar State Road Transport Corporation, Bankipur Depot is proper and justified? If not, what relief the workman is entitled to?”*

5. The learned Presiding Officer, Labour Court, Patna before whom oral and documentary evidence was adduced by



both the sides, after hearing the parties, passed the award on 14.11.2006 in favour of the appellant. The learned Labour Court set aside the dismissal order of the appellant dated 19.09.1978 and held that the appellant would be deemed to be an employee on the date of dismissal and the management was directed to reinstate him with full back wages and other consequential benefits.

6. It is the further case of the Corporation that the appellant submitted the aforesaid award before the Corporation and since the Corporation was running under acute financial crisis, the Administrator of the Corporation suggested to the appellant for reinstatement, after forgoing the back wages and consequential benefits, as provided in the award, which was accepted by the appellant. Accordingly, the reinstatement order was passed on 28.12.2007 with a specific direction that the appellant shall not be entitled to any benefits for the non-working period.

7. It is the further case of the Corporation that the appellant willfully accepted the order dated 28.12.2007, without any objection and joined the duty and after one year, he filed Misc. Case No. 02 of 2008 before the learned Presiding Officer, Labour Court, Patna under Section 33C(2) of the I.D. Act, 1947, claiming the back wages to the tune of Rs. 16,90,238/- (Rupees



Sixteen Lakh Ninety Thousand Two Hundred Thirty Eight only), wherein the Corporation appeared on being noticed and filed the show-cause. However, the learned Labour Court without proper finding and without assigning any cogent reason passed the order dated 19.06.2013, holding that the appellant was entitled to get a sum of Rs. 11,70,990/- only instead of his total back wages and other consequential benefits. The Labour Court further directed the Corporation to pay the said amount to the appellant within three months from the date of the order, failing which the Corporation would be liable to pay interest at the rate of 6% per annum, on the aforesaid amount.

8. It is the further case of the Corporation that the learned Labour Court has granted the relief without proper application of judicial mind and without considering the principle of “No Work, No Pay”, as well as the fact that the appellant had been engaged in other employment during the idle period.

9. Notice was issued to the appellant in the writ petition, and in response thereto, he filed the counter affidavit contending, *inter alia*, that the writ petition had been instituted only with a view to harass him. It is further stated that the order dated 19.06.2013 passed by the learned Labour Court in Misc. Case No. 02 of 2008 suffers from neither any legal infirmity nor



any perversity. It was further highlighted that seven years had elapsed and he was not paid a single pie towards the back wages and consequential benefits and he had retired from his service and desperately needed financial assistance, but the Corporation had frustrated his legitimate claim.

10. Another supplementary counter affidavit was also filed on behalf of the appellant, to which the petitioner-Corporation subsequently filed a rejoinder to the counter affidavit.

**C.W.J.C. No. 17753 of 2018**

11. So far as the appellant is concerned, he filed C.W.J.C. No. 17753 of 2018 seeking for quashing the order dated 18.04.2018 passed by the Certificate Officer in Certificate Case No. 699 of 2014–15, whereby and whereunder the Certificate Officer recalled the warrant issued against the certificate debtor, *inter alia*, with other prayers.

12. The case of the appellant in his writ petition is that the order of dismissal dated 19.09.1978 passed against him was set aside by the learned Labour Court vide award dated 14.11.2006, and the management was directed to reinstate him in service with full back wages and other consequential benefits. Pursuant thereto, the appellant was reinstated in service; however, the back wages and consequential benefits were not



paid to him despite making several requests and representations, leaving him with no option, but to file an application under section 33C(2) of the I.D. Act, 1947 before the learned Presiding Officer, Labour Court, Patna in Misc. Case No. 02 of 2008, claiming back wages and other consequential benefits for the period from 19.09.1978 to 30.12.2007. The said case was finally decided on 19.06.2013, whereby it was held that the appellant was entitled to receive a sum of Rs. 11,70,990/- instead of total back wages and other consequential benefits for the idle period, payable by the management in terms of the award. Accordingly, the management was directed to pay a sum of Rs. 11,70,990/- to the appellant within three months from the date of passing the order, in default of which the management was to pay interest at the rate of 6% per annum, on the aforesaid amount.

13. It is further the case of the appellant in his writ petition that, upon his representation before the Deputy Labour Commissioner, Patna Division, Patna; the Deputy Labour Commissioner, vide order dated 12.12.2014, directed the District Certificate Officer, Patna, to take appropriate steps for recovery of the due amount. Accordingly, Certificate Case No. 699 of 2014–15 was initiated. Notices were issued to the certificate debtor, and thereafter warrants, along with orders of



attachment, were issued on several occasions.

14. It is further the case of the appellant that, on 18.04.2018, a letter was issued by the Divisional Manager of the Corporation to the Certificate Officer, Patna requesting to recall the warrant order, and basing on such request letter, the warrant order was illegally recalled without any payment having been made by the certificate debtor to the appellant.

15. It is the case of the appellant that the Certificate Officer has got no jurisdiction to recall or review its own order unless and until payment was made by the certificate debtor, and therefore, such order is not sustainable in the eyes of law.

16. In the writ petition filed by the appellant, notice was issued to the respondents. Counter affidavit was filed on behalf of respondent no. 1 and rejoinder to the said counter affidavit was also filed by the appellant.

**Operative part of the impugned order**

17. The learned Single Judge after hearing both the writ petitions analogously, in the impugned common order dated 23.06.2025, has been pleased to hold as follows:

*“24. In this case also the respondent BSRTC has taken a plea that Labour Court granted reinstatement with full back wages and consequential benefits without applying judicial mind, disregarding the principle of "no work, no wage" and failing to consider the possibility of alternative employment*



*during the period of dismissal. As such, the impugned order is liable to be set aside.*

*25. The employee Siya Singh respondent No. 3/ petitioner of CWJC No. 17753 of 2018 has not shown that he was sitting idle for so many years. Further he has not raised his grievance for the same so there is no merit in the case of petitioner of CWJC No. 17753 of 2018.*

*26. In view of the above ratio, CWJC No. 2592 of 2014 is allowed.*

*27. Similarly, CWJC No. 17753 of 2018 is dismissed as devoid of merits.”*

### **Contentions of the Parties**

18. It is the contention of the learned Counsel for the appellant that the impugned order suffers from perversity, inasmuch as, the order dated 19.06.2013 passed by the learned Presiding Officer, Labour Court, Patna in Misc. Case No. 02 of 2008 under section 33C(2) of the I.D. Act, 1947, holding that the appellant is entitled to get an amount of Rs. 11,70,990/- towards back wages, is quite justified. It is further argued that the award dated 14.11.2006 passed by the learned Presiding Officer, Labour Court, Patna in Reference Case No. 24 of 1995, wherein not only the order of dismissal of the appellant was set aside and he was directed to be reinstated, but the Corporation was also directed to pay full back wages and other consequential benefits to the appellant and the said award has remained unchallenged and therefore, it was not proper on the part of the



learned Single Judge to entertain the prayer, which has been made by the Corporation for quashing the order dated 19.06.2013 passed by the Labour Court in Misc. Case No. 02 of 2008.

It is further argued that the dismissal of the writ petition filed by the appellant is quite unjustified, inasmuch as, when the warrant has been issued in Certificate Case No. 699 of 2014–15 by the Certificate Officer, and the amount payable to the appellant in terms of the order passed by the Labour Court had not been paid, the Certificate Officer should not have passed a recall order of the warrant and that too on a request letter issued by the Divisional Manager of the Corporation and as such, the impugned order is liable to be set aside.

19. On the other hand, the learned Counsel appearing for the Corporation highlighted that at the time of joining, after the award was passed by the learned Labour Court, the petitioner had foregone his back wages, and therefore, he could not have approached the Labour Court claiming his back wages and other consequential service benefits under section 33C(2) of the I.D. Act, 1947, even if the Presiding Officer, Labour Court, Patna in Reference Case No. 24 of 1995 vide award dated 14.11.2006 has passed such order.

It is further argued that since the Corporation was



running in a financial loss and was not able to pay the back wages of the employees, taking into account the condition of the Corporation, the appellant had foregone the claim of back wages and therefore, the impugned order passed by the learned Single Judge is quite justified.

It is also urged that vide Order No. 819 dated 28.12.2007, whereby the appellant-worker was reinstated, it was made clear that the period in which the petitioner remained outside, shall not be treated as break of service. However, he shall not be entitled to any back wages for such period and in terms of such order, the petitioner had submitted his joining report.

### **Discussions**

20. Adverting to the contentions raised, when we made a pertinent query to the learned Counsel appearing for the Corporation to show us any document wherein the appellant had foregone his back wages and consequential service benefit at the time of submission of joining report, he could not produce any document.

21. The contention of the learned counsel for the Corporation invoking the principle “No Work, No Pay” and alleging alternative employment, is not in consonance with the settled legal position enunciated by the Hon’ble Supreme Court that full back wages is the normal rule upon reinstatement



consequent to illegal dismissal. Moreover, there is no material that the appellant was gainfully employed after his dismissal till he was reinstated.

In the case of ***Hindustan Tin Works Pvt. Ltd. -Vrs.- Employees of M/s. Hindustan Tin Works Pvt. Ltd. & Ors., reported in (1979) 2 Supreme Court Cases 80***, it is held as follows:-

*“11. In the very nature of things there cannot be a strait-jacket formula for awarding relief of back wages. All relevant considerations will enter the verdict. More or less, it would be a motion addressed to the discretion of the Tribunal. Full back wages would be the normal rule and the party objecting to it must establish the circumstances necessitating departure. At that stage the Tribunal will exercise its discretion keeping in view all the relevant circumstances. But the discretion must be exercised in a judicial and judicious manner. The reason for exercising discretion must be cogent and convincing and must appear on the face of the record. When it is said that something is to be done within the discretion of the authority, that something is to be done according to the Rules of reason and justice, according to law and not humour. It is not to be arbitrary, vague and fanciful but legal and regular (see *Susannah Sharp v. Wakefield [(1891) AC 173, 179]* ).”*

In the case of ***Deepali Gundu Surwase -Vrs.- Kranti Junior Adhyapak Mahavidyalaya (D.ED.) & Ors., reported in (2013) 10 Supreme Court Cases 324***, it is stated as follows:-



*“22. The very idea of restoring an employee to the position which he held before dismissal or removal or termination of service implies that the employee will be put in the same position in which he would have been but for the illegal action taken by the employer. The injury suffered by a person, who is dismissed or removed or is otherwise terminated from service cannot easily be measured in terms of money. With the passing of an order which has the effect of severing the employer-employee relationship, the latter's source of income gets dried up. Not only the employee concerned, but his entire family suffers grave adversities. They are deprived of the source of sustenance. The children are deprived of nutritious food and all opportunities of education and advancement in life. At times, the family has to borrow from the relatives and other acquaintance to avoid starvation. These sufferings continue till the competent adjudicatory forum decides on the legality of the action taken by the employer. The reinstatement of such an employee, which is preceded by a finding of the competent judicial/quasi-judicial body or court that the action taken by the employer is ultra vires the relevant statutory provisions or the principles of natural justice, entitles the employee to claim full back wages. If the employer wants to deny back wages to the employee or contest his entitlement to get consequential benefits, then it is for him/her to specifically plead and prove that during the intervening period the employee was gainfully employed and was getting the same emoluments. The denial of back wages to an employee, who has suffered due to an illegal act of the*



*employer would amount to indirectly punishing the employee concerned and rewarding the employer by relieving him of the obligation to pay back wages including the emoluments.*

x                      x                      x

**38.** *The propositions which can be culled out from the aforementioned judgments are:*

**38.1.** *In cases of wrongful termination of service, reinstatement with continuity of service and back wages is the normal rule.*

x                      x                      x

**38.6.** *In a number of cases, the superior courts have interfered with the award of the primary adjudicatory authority on the premise that finalisation of litigation has taken long time ignoring that in majority of cases the parties are not responsible for such delays. Lack of infrastructure and manpower is the principal cause for delay in the disposal of cases. For this the litigants cannot be blamed or penalised. It would amount to grave injustice to an employee or workman if he is denied back wages simply because there is long lapse of time between the termination of his service and finality given to the order of reinstatement. The courts should bear in mind that in most of these cases, the employer is in an advantageous position vis-à-vis the employee or workman. He can avail the services of best legal brain for prolonging the agony of the sufferer i.e. the employee or workman, who can ill-afford the luxury of spending money on a lawyer with certain amount of fame. Therefore, in such cases it would be prudent to adopt the course suggested in Hindustan Tin Works (P) Ltd. v. Employees [Hindustan Tin Works (P) Ltd.*



*v. Employees, (1979) 2 SCC 80 : 1979  
SCC (L&S) 53].”*

**Scope of jurisdiction of Labour Court under section 33C(2)  
of I.D. Act, 1947**

22. Section 33C(2) proceedings are analogous to execution proceedings and a Labour Court called upon to compute benefits claimed by a workman is in the position of an executing Court and as such competent to interpret an award where there is a dispute as to the rights thereunder or as to its correct interpretation. Obviously, if the award is unambiguous, the Labour Court is bound to enforce it, and under the guise of interpreting, it cannot make a new award by adding to or subtracting anything therefrom. Although it cannot go behind the award, it is nevertheless competent to construe the award where it is ambiguous and is also competent to ascertain its precise meaning, for, unless that is done, it cannot enforce the award when it is called upon to do so by an application under section 33C.

23. There is no dispute that the award dated 14.11.2006 passed by the learned Presiding Officer, Labour Court in Reference Case No. 24 of 1995 in directing reinstatement of the appellant with full back wages and other consequential benefits was never challenged before the High Court by the Corporation in C.W.J.C. No. 2592 of 2014 and



what was challenged was the order dated 19.06.2013 passed by the Labour Court in Misc. Case No.02 of 2008 under section 33C(2) of the I.D. Act. In the absence of any challenge to the foundational award, the learned Single Judge could not have granted relief that would have the effect of nullifying that unchallenged award.

The ratio laid down in the case of **Bharat Amratlal Kothari & Anr. -Vrs.- Dosukhan Samadkhan Sindhi & Ors., reported in (2010) 1 Supreme Court Cases 234** is squarely applicable, wherein it is held as follows :-

*“29. The approach of the High Court in granting relief not prayed for cannot be approved by this Court. Every petition under Article 226 of the Constitution must contain a relief clause. Whenever the petitioner is entitled to or is claiming more than one relief, he must pray for all the reliefs. Under the provisions of the Code of Civil Procedure, 1908, if the plaintiff omits, except with the leave of the court, to sue for any particular relief which he is entitled to get, he will not afterwards be allowed to sue in respect of the portion so omitted or relinquished.*

*30. Though the provisions of the Code are not made applicable to the proceedings under Article 226 of the Constitution, the general principles made in the Civil Procedure Code will apply even to writ petitions. It is, therefore, incumbent on the petitioner to claim all reliefs he seeks from the court. Normally, the court will grant only those reliefs specifically prayed for by the petitioner.*



*Though the court has very wide discretion in granting relief, the court, however, cannot, ignoring and keeping aside the norms and principles governing grant of relief, grant a relief not even prayed for by the petitioner.”*

In the case of **Ranbir Singh -Vrs.- Executive Engineer, reported in (2011) 15 Supreme Court Cases 453**, it is observed as follows:-

*“5. Before us today, the learned counsel for the appellant has argued that in the writ petition filed by the respondent State challenging the award of the Labour Court, the only plea was against the grant of back wages and nothing more. In support of this submission, the learned counsel has drawn our attention to the writ petition which has been appended with the paper book.*

*6. We find that the assertion of the learned counsel is correct. We are, therefore, of the opinion that the order of the Single Judge as well as of the Division Bench of the High Court was well beyond the scope of the prayers in the writ petition. If the State felt aggrieved by the award of the Labour Court in toto there was no impediment in its way to challenge it in its entirety. We feel that a party must be held to be bound by its pleadings; a prayer clause cannot be construed or dubbed as a technicality. We are, therefore, of the opinion that the appeal deserves to succeed.”*

24. The statutory rigidity in execution is consistent with the nature of underlying debt, which stems from the



computation under Section 33C(2) of the I.D. Act, 1947 as held by the Hon'ble Supreme Court in ***State of U.P. & Anr. -Vrs.- Brijpal Singh reported in (2005) 8 Supreme Court Cases 58*** as follows:-

*“10. It is well settled that the workman can proceed under Section 33C(2) only after the Tribunal has adjudicated on a complaint under Section 33-A or on a reference under Section 10 that the order of discharge or dismissal was not justified and has set aside that order and reinstated the workman. This Court in the case of Punjab Beverages (P) Ltd. v. Suresh Chand [(1978) 2 SCC 144 : 1978 SCC (L&S) 165] held that a proceeding under Section 33C(2) is a proceeding in the nature of execution proceeding in which the Labour Court calculates the amount of money due to a workman from the employer, or, if the workman is entitled to any benefit which is capable of being computed in terms of money, proceeds to compute the benefit in terms of money. Proceeding further, this Court held that the right to the money which is sought to be calculated or to the benefit which is sought to be computed must be an existing one, that is to say, already adjudicated upon or provided for and must arise in the course of and in relation to the relationship between the industrial workman, and his employer. This Court further held as follows: (SCC p. 150, para 4)*

*“It is not competent to the Labour Court exercising jurisdiction under Section 33C(2) to arrogate to itself the functions of an Industrial Tribunal and entertain a claim which is not based on an existing right but which may*



*appropriately be made the subject-matter of an industrial dispute in a reference under Section 10 of the Act.”*

In the case of ***Central Bank of India Ltd. –Vrs.- P.S. Rajagopalan reported in A.I.R. 1964 S.C. 743***, it is held that the power of the Labour Court in a proceeding under section 33C(2) is akin to that of an ‘Executing Court’ and the Labour Court is competent to interpret the award or settlement on which a workman bases his claim under section 33C(2), like the power of an Executing Court to interpret the decree for the purpose of execution. The decision clearly establishes the fact that the Labour Court’s power under section 33C(2) extends to interpretation of the award or settlement on which the workman’s right rests, like the Executing Court’s power to interpret the decree for the purpose of execution, where the basis of the claim is referable to the award or settlement.

Thus, the proceedings under section 33C(2) are analogous to execution proceedings and the Labour Court is called upon to compute in terms of money, the benefit claimed by a workman in such cases.

Therefore, when the award had remained unchallenged, the interference with the executing order passed by the learned Labour Court is not justified.

25. The learned counsel for the appellant is also



justified in making a submission that when the Certificate Officer issued the warrant against the certificate debtor in the Certificate Case No. 699 of 2014–15, on the basis of a request letter issued by the concerned officer, the Certificate Officer should not have recalled the warrant against the certificate debtor particularly when no payment had been made.

The Recovery Officer holds significant *quasi-judicial* powers, especially in adjudicating disputes related to attachment and recovery of dues. The responsibilities carried by the Recovery Officer have its impact on both the recovery process and on the rights of individuals. The actions of the Recovery Officer are governed strictly by legislative codes designed to ensure transparency and fairness.

We are of the humble view that the recall order passed by the Certificate Officer is diametrically opposed to the mandate of section 38 of ***The Bihar & Orissa Public Demands Recovery Act, 1914***, which deals with the power of arrest and detention by the Certificate Officer for recovery of money. The aforesaid section reads as follows:-

“38. *Power of arrest and detention.*

- *A certificate-debtor, may be arrested in execution of a certificate at any hour and on any day, except as provided in Section 56, and when so arrested, shall as soon as practicable, be brought before the Certificate Officer;*



*and his detention may be in the civil prison of the district in which the Certificate Officer ordering the detention exercises jurisdiction or, where such civil prison does not afford suitable accommodation in any other place which the State Government may appoint for the detention of persons ordered by the Civil Courts of such district to be detained:*

*Provided that, if the amount entered in the warrant of arrest as due under the certificate, and the costs of the arrest, have been paid either to the Certificate Officer or to the officer arresting the certificate-debtor, such officer shall at once release him.”*

By recalling the warrant without the satisfaction of the debt, the Certificate Officer acted *ultra vires* his statutory powers, effectively granting ‘administrative mercy’ to the detriment of a decree-holder where the legislative intent commands strict execution.

26. The liability of any employer towards its workmen arises from the very nature of the employment relationship and cannot be shaken off by the employer through make-believe arrangement, or claims of financial hardship.

The Hon’ble Supreme Court observed in a landmark decision in the case of ***Hussainbhai, Calicut -Vrs.- The Alath Factory Thezhilali Union, Kozhikode & Ors., reported in (1978) 4 Supreme Court Cases 257*** as follows:-

*“6. If the livelihood of the workmen substantially depends on labour*



*rendered to produce goods and services for the benefit and satisfaction of an enterprise, the absence of direct relationship or the presence of dubious intermediaries or the make-believe trappings of detachment from the Management cannot snap the real life-bond. The story may vary but the inference defies ingenuity. The liability cannot be shaken off.”*

Further in the case of ***Hombe Gowda Educational Trust & Anr. -Vrs.- State of Karnataka & Ors., reported in (2006) 1 Supreme Court Cases 430***, it was held as follows:-

*“30. This Court has come a long way from its earlier viewpoints. The recent trend in the decisions of this Court seek to strike a balance between the earlier approach to the industrial relation wherein only the interest of the workmen was sought to be protected with the avowed object of fast industrial growth of the country. In several decisions of this Court, it has been noticed how discipline at the workplace/industrial undertakings received a setback. In view of the change in economic policy of the country, it may not now be proper to allow the employees to break the discipline with impunity. Our country is governed by rule of law. All actions, therefore, must be taken in accordance with law.....”*

27. Therefore, in our humble view, the impugned order passed by the learned Single Judge suffers from perversity and patent illegality and this Court in the Letters Patent Appeal has got ample jurisdiction to interfere with such an order, therefore, we feel it necessary to correct the errors committed by



the learned Single Judge.

Labour law is not merely an adjunct of the law of contract; it is a charter of human rights at the workplace. The Government cannot be permitted to play hide and seek with its own employees. To deny a workman his lawful dues by juggling with procedural niceties is to negate the very rule of law.

28. In view of the foregoing discussions, we are of the humble view that when the foundational award has not been challenged before the learned Single Judge, the impugned order disturbing the effect of such award, is not sustainable in the eyes of law. Hence, the impugned order dated 23.06.2025 passed by the learned Single Judge, is hereby set aside.

The writ petition bearing C.W.J.C. No. 17753 of 2018 filed by the appellant Siya Singh is allowed and the writ petition bearing C.W.J.C. No. 2592 of 2014 filed by the Corporation stands dismissed.

29. Both the Letters Patent Appeals stand allowed.

**(Sangam Kumar Sahoo, CJ)**

**(Harish Kumar, J)**

shivank/-

AFR/NAFR	AFR
CAV DATE	NA
Uploading Date	11.05.2026
Transmission Date	NA

