

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH**

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WRIT PETITION No.8953 OF 2005

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Between:

R. Ravinder Kumar

.. Petitioner

And

The Presiding Officer, Industrial Tribunal-I,
Hyderabad, and another.

.. Respondents

DATE OF JUDGMENT PRONOUNCED: 07-08-2015

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE SANJAY KUMAR

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|---|--------|
| 1. Whether Reporters of Local newspapers
may be allowed to see the Judgment? | Yes/No |
| 2. Whether the copies of judgment may be
marked to Law Reporters/Journals | Yes/No |
| 3. Whether Their Lordship wish to
see the fair copy of the Judgment? | Yes/No |

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.8953 of 2005

ORDER:

The petitioner in this case was a Mechanic in the service of the

Hindustan Corporation (Hyderabad) Private Limited, the second respondent herein. By way of this writ petition, he seeks to challenge the order dated 07.04.2004 passed by the Industrial Tribunal-I, Hyderabad, in Miscellaneous Petition No.14 of 2002 filed by him under Section 33-C(2) of the Industrial Disputes Act, 1947 (for brevity, 'the Act of 1947').

By way of the subject petition, the petitioner-workman sought payment of Rs.2,42,825/-. According to him, he was illegally terminated from service on 07.07.1999 and was therefore entitled to be paid one month's notice pay of Rs.3,140/-, retrenchment compensation of Rs.25,120/-, overtime wages of Rs.9,418/-, un-availed leave encashment of Rs.4,187/-, security deposit with penalty of Rs.31,400/-, three months wages of Rs.9,420/- and Rs.1,31,880/- towards 3½ years wages with penalty for illegal termination. By the order under challenge, the Labour Court granted the petitioner Rs.40,646-25 ps. with interest at 12% per annum from the date of petition till the date of realization. This amount was directed to be paid towards gratuity, encashment of leave, arrears of salary and security deposit.

Though Sri Ravindra Bharati, learned counsel for the petitioner-workman, would contend that the Labour Court erred in not granting the other amounts claimed by his client, he admits that there is no decision preceding the subject petition under Section 33-C(2) of the Act of 1947 upon the entitlement of the petitioner-workman to the said amounts claimed by him.

Admittedly, there was no determination by the Labour Court or any authority as to the so-called illegal termination of the petitioner from service on his entitlement to the other dues claimed by him. Unless the entitlement of the petitioner is decided, quantification of the same by way of a petition under Section 33-C(2) of the Act of 1947 would not arise. By way of such a petition, the workman cannot ask for a decision as to his entitlement and thereafter seek quantification thereof. This Court finds no irregularity in the order passed by the

Labour Court holding to that effect.

The writ petition is devoid of merit and is accordingly dismissed. Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

JUSTICE SANJAY KUMAR

7th August, 2015

PGS