

the workmen and a specific plea was taken that the proceedings under Section 33C(2) of the Act were not maintainable for there was no prior determination of the amount apart from the fact that those workmen had failed to substantiate their claim by producing evidence. The Labour Court, however, over-ruled all the objections and made the order directing payment in the sum approved by it, as per the operative order. The Cement Corporation of India filed writ petitions, which were heard and disposed of by the impugned judgment and the petitions were allowed. Hence, these appeals by the workmen.

Arguments :

The learned counsel for the appellants-workmen submitted that the learned Single Judge committed an error in reversing the order of the Labour Court made under Section 33C(2) of the Act by holding that the applications as filed by the workmen were not maintainable for want of determination of the dues. According to him, the learned Single Judge did not follow the ratio decidendi of the judgment of the Apex Court in the case of Central Bank of India Limited vs. P.S. Rajagopalan, 1964 AIR (SC) 743. He submitted that the learned Single Judge having held that the applications under Section 33C(2) of the Act were not maintainable before the Labour Court also addressed itself on the merits of matter, which had adversely affected the appellants-workmen in their right to take up appropriate legal remedy as their applications were found not maintainable. In the alternative, he submitted that liberty should be reserved in favour of the appellants-workmen if this