

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No. 1921 of 2009

ORDER:

This writ petition is filed challenging the order, dated 23.01.2008, passed by respondent No.1-Industrial Tribunal-cum-Labour Court, Ananthapur, Andhra Pradesh in M.P.No.2 of 2002 filed by respondent No.2 under Section 33 (c) (2) of the Industrial Disputes Act, 1947 (for short 'the Act') claiming an amount of Rs.1,88,000/- under the heads of dearness allowance; travelling allowance; meals, tiffin, coffee etc.; accommodation; bonus and arrears of salary.

It is not in dispute that respondent No.2 was working as Seeds Production Manager in the petitioner organization. The Labour Court by its order, dated 23.01.2008, partly allowed the M.P. to the extent of payment of bonus of Rs.23,000/- for the period from 1998 to 2001 with interest at 12% per annum from the date of petition till realization.

This Court by order, dated 05.02.2009, granted interim suspension of the said order subject to the petitioner depositing half of the amount within a period of four weeks. Across the Bar, it is stated that the said amount was deposited.

Learned counsel for the petitioner fairly submitted that with regard to the balance amount also, the petitioner is ready to deposit the same. He further submitted that the Labour Court recorded a finding to the effect that respondent No.2 is a

‘workman’ as defined under the provisions of the Act. He also submitted that after filing the M.P., respondent No.2 raised an Industrial Dispute challenging his removal from service and that any finding recorded in the present order may come in the way of the petitioner disputing the I.D. filed by respondent No.2 under the provisions of the Act.

Therefore, in view of the nature of the order impugned, it is made clear that as the Labour Court recorded a finding that respondent No.2 is a workman, it should be confined only to the present proceedings, but it is open to the parties to canvass their case with regard to the applicability of the provisions of the Act in any other proceedings and the competent Court shall decide the case without being influenced by the observations of the Labour Court in the M.P.

In view of the above observations, the writ petition is closed.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

A.RAMALINGESWARA RAO,J

Dt:14.06.2017

kdl

