

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.31057 OF 2016

DATED : 20.01.2017

Between :

The Management of M/s.Al-Kabeer Exports Pvt. Ltd.,
Rudraram Village, Patancheru Mandal,
Medak District, rep., by its Director.

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Petitioner

And

The Labour Court-II,
Chandravihar Complex, M.J.Road,
Hyderabad, rep., by its Presiding Officer & others.

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Respondents



This court made the following :

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ORDER :

Respondents 2 and 3 raised an industrial dispute contending that employer is not allowing them to attend the duties from 30.11.2012. Petitioner raised preliminary objection on the maintainability of the dispute under the Industrial Disputes Act, on the ground that the petitioners therein are not workmen as they are working in a supervisory cadre discharging supervisory duties and are paid higher remuneration and therefore, the I.D., is not maintainable. Considering their objection the Labour Court, passed orders on 23.08.2016 in I.A.No.50 of 2016 in I.D.No.14 of 2015 which is challenged in this writ petition.

2. When the matter is taken up for consideration learned counsel for the petitioner as well as learned counsel for respondents 2 and 3 agree for disposal of the writ petition with the following directions :

(i) Notwithstanding the observations made by the Labour Court in the order impugned, the Labour Court shall afford opportunity to the petitioner to lead evidence in support of its contention that respondents 2 and 3 cannot be called as workmen and therefore the claim is not maintainable before the Labour Court.

(ii) Respondents 2 and 3 shall also be given opportunity to lead evidence opposing such claim and to establish that they are governed by provisions of Industrial Disputes Act and that the I.D., is maintainable.

(iii) If such objection is raised, the same shall also be considered while considering the I.D., by the Labour Court.

3. Subject to the above directions, the Writ petition is allowed. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

P.NAVEEN RAO,J

20th January, 2017
Rds

