

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.26036 of 2017

ORDER:

This writ petition is filed against the order dated 09-01-2017 in MP.No.15 of 2014 passed by the 2nd respondent, wherein ordered for payment of amounts to the 3rd respondent under Section 33-C(2) of the Industrial Disputes Act.

Heard learned counsel for the petitioner.

Learned counsel appearing for the 3rd respondent states that respondents themselves admitted arrears to be paid to the petitioner, as such they cannot dispute the same. The Labour Court while deciding the claims of the petitioner noted as under:

“ It is an admitted fact that the petitioner worked in the respondent company after take over, prior to that the petitioner has worked in Sigma Laboratories Limited from the year 1987, the question of filing ID in the year 1991 does not arise. The respondent tried to mislead the Court by stating that the petitioner joined in the year 1997 but not in 1987. It is to be noted that the petitioner was joined in Sigma Laboratories Limited on 17-09-1987 which was supported by exhibit W-1. The service of the petitioner was transferred as per the MOU vide exhibit W-2. Therefore, the contention of the respondent that the petitioner joined the services in the year 1997 but not in 1987 is not correct and the petitioner joined the service in the year 1987 as Medical Representative in Sigma Laboratories Limited.

It is also to be noted that the salary of the petitioner was enhanced from time to time and his

salary was enhanced on 01-04-2012 to Rs.21,675/-. The contention of the respondent clearly shows that they want to close down the marketing agency at Hyderabad for which they intend to transfer the petitioner to Head Office at Mumbai and accordingly they issued proceedings dated 30-05-2014. Even the e-mail correspondence made by the petitioner clearly shows that he sought the Management to pay the salary to enable him to report duty and he also requested to pay the arrears for which there was no response from the Respondent. Exhibit W-15 in I.D. shows that the Management has admitted that they have to pay following amounts as referred in the table.”

Since the writ petitioner himself admitted about payment and basing on the same Labour Court ordered the MP. No infirmity is brought to my notice in the impugned order and this Court cannot re-appreciate the evidence and disturb the finding of fact by the authority that too when the plea of the 3rd respondent is admitted by the writ petitioner.

Accordingly, the writ petition is dismissed. As a sequel to the disposal of this writ petition, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY,J

11-08-2017
Nvl



