

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 16476 of 2002

ORDER:

This writ petition is filed seeking to issue a writ of certiorari calling for the record relating to and connected with M.P.No.104 of 1998 on the file of the Labour Court, Anantapur, and quash the award dated 26.12.2001 passed therein.

2. Heard Sri Aravala Ramarao, learned standing counsel for APSRTC, appearing for the petitioners, and Sri Tharicherla Venugopal Rao, learned counsel for the respondents.

3. It has been contended by the petitioner corporation that the respondents filed M.P.No.104 of 1998 before the Labour Court, Anantapur, under Section 33-C (2) of the Industrial Disputes Act, claiming overtime wages. But, without appreciating the fact that the issue of payment of overtime wages to the employees of the petitioner corporation was never settled or adjudicated, the Labour Court adjudicated the issue afresh and granted the relief in favour of the respondents, exceeding its jurisdiction under Section 33-C (2) of the Industrial Disputes Act, vide orders dated 26.12.2001. The same is questioned in the present writ petition.

4. This Court, having considered the submissions made by the parties, is of the considered view that the Labour Court has no power to adjudicate the rights of the respondents afresh in respect of

overtime wages, without there being any pre-adjudicated issue or settlement on this aspect.

5. Therefore, the writ petition is allowed and the orders dated 26.12.2001 passed by the Labour Court in M.P.No.104 of 1998 are set aside.

Consequently, miscellaneous petitions, if any, pending in the writ petition shall stand closed. No order as to costs.

ABHINAND KUMAR SHAVILI, J

13th August, 2018
cbs



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Writ Petition No. 16476 of 2002
(allowed)

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