

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.21762 of 2003

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.159 of 2000 on the file of the 2nd respondent-Labour Court and quash the order dated 19.06.2003 passed therein holding it as illegal and arbitrary.

Heard Sri P.B.Vijaya Kumar, learned Standing Counsel for the petitioner-Company, and Sri L. Prabhakar Reddy, learned counsel for the respondent-workman.

It has been contended by the petitioner that it is a public sector undertaking and the respondent-workman was intermittently engaged with the Company as and when there was work. He has not completed 240 days of service and, hence, he is not entitled for any relief. Contending that the petitioner-Company has illegally terminated his services without following due process of law, he filed M.P.No.159 of 2000 on the file of the 2nd respondent-Labour Court under Section 33-C(2) of the Industrial Disputes Act, 1947 seeking payment of monetary benefits of Rs.70,147/-. It has been further contended that the petitioner-Company has paid all the benefits to the 1st respondent and he filed the M.P. against the Company claiming over-time wages for the work beyond 8 hours, though he never worked for more than 8 hours per day and, therefore, the question of granting over-time wages to the 1st respondent does not arise. However, the Labour Court has erroneously allowed the M.P. filed by the 1st respondent vide orders dated 19.06.2003

and directed the petitioner company to pay compensation of Rs.10,000/- and a sum of Rs.23,400/- being the amount for extra hours worked, totalling to Rs.33,400/-. The same is challenged in the present writ petition.

Learned counsel for the 1st respondent/workman has contended that the Labour Court has rightly adjudicated the case in favour of the 1st respondent and no illegality or irregularity has been pointed out in the orders passed by the Labour Court and there are no merits in the writ petition and the same is liable to be dismissed.

I have considered the submissions of the learned counsel on either side and perused the record. This Court, while admitting the writ petition, granted interim stay of the impugned order on condition of the petitioner depositing half of the awarded amount by the Labour Court, vide orders dated 16.10.2003 in WPMP No.27157 of 2003. Now, the only issue is with regard to payment of balance 50% of the compensation amount as determined by the Labour Court, to the 1st respondent. The petitioner-Company has not pointed out any illegality or error on the face of the record. The Labour Court has rightly passed the impugned orders in favour of the 1st respondent after elaborate discussion and after appreciating the case of the 1st respondent. Unless and until any grave illegality or irregularity is pointed by the petitioner-Company in the orders of the Labour Court, this Court cannot interfere with the findings of the Labour Court. The writ petition is devoid of merits and the same is liable to be dismissed.

Accordingly, the writ petition is dismissed. No order as to costs.

Pending miscellaneous applications, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

16th November, 2018

ajr

