

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 27995 of 2005

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.19 of 2003 on the file of the 3rd respondent-Labour Court and quash the order dated 24.10.2005 passed therein.

The Labour Court dismissed the application filed by the petitioner claiming overtime wages, holding that the petitioner is expected to work 72 hours in a week and, hence, the question of paying overtime wages would not arise. As per settled legal principles, the Labour Court cannot decide the application filed under Section 33 (C) (2) of the Industrial Disputes Act and on its own it can only adjudicate the matters which are already settled between the parties. Since the payment of overtime wages to the petitioner was not adjudicated by way of any authority or settlement, the Labour Court has rightly dismissed the application. Therefore, liberty is given to the petitioner to pursue his remedies before the appropriate forum, in accordance with law.

With the above observation, the writ petition is disposed of. Consequently, miscellaneous petitions, if any, pending in the writ petition shall stand closed.

ABHINAND KUMAR SHAVILI, J

20th September, 2018
cbs

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Writ Petition No. 27995 of 2005
(disposed of)

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