

HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.22436 OF 2002

ORDER:

1. This writ petition is filed seeking to issue a writ of Certiorari calling for the records relating to and connected with the order in M.P.No.33 of 1997 dated 31.5.2001 on the file of the Labour Court, Guntur, and to quash the same by holding it as arbitrary and illegal.

2. Heard Sri Nimmagadda Venkateswarlu, learned Counsel for the petitioner.

3. It has been contended by the petitioner-municipality that the respondents were engaged by them as workers, and even though the respondents are not entitled for over time wages, they filed M.P.No.33 of 1997 before the Labour Court under Section 33-C (2) of the Industrial Disputes Act with false claims, and that the petitioner contested in the said M.P. but the Labour Court without appreciating any of the contentions raised by the petitioner allowed the claim made by the respondents.

4. Further, the learned Counsel for the petitioner contended that the respondents are not entitled for the amounts claimed, and admittedly, there was no settlement for the relief sought by the respondents and that in respect of those rights which were crystallized in the form of settlement under any judicial adjudication, a petition under Section 33(2) is maintainable, but

in the instant case, the Labour Court has decided the case on its own without there being any prior adjudication or any subsisting legal provision in favour of the respondents.

5. This Court having considered the submissions made by the parties is of the view that the Labour Court has allowed the claim made by the respondents by following the judgment of this Court in ***Rajendranagar Municipality Vs. Peraraju and others***¹ and the Labour Court has rightly passed orders in favour of the respondents. Moreover, at the time of admission, this Court was pleased to grant interim suspension of the order impugned on condition of the petitioner depositing 50% of the amount awarded by the Labour Court. The only issue is about payment of remaining 50% amount awarded by the Labour Court. Since the respondents have worked even on Sundays, and festival holidays, they are entitled for the amounts awarded by the Labour Court. There are no merits in this writ petition.

6. Accordingly, the Writ Petition is dismissed. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

Dated: 8.11.2018.
Nn.

¹ 1995(2) ALT 320

HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.22436 OF 2002



8/11/2018

Nn.