

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.22437 of 2005

ORDER :

When the matter is taken up hearing, the learned Standing Counsel for the petitioner Corporation submitted that the 2nd respondent - Labour Court erred in allowing M.P.No.4 of 2004 by order dated 26.10.2004 granting an amount of Rs.42,406/- in favour of the 1st respondent – Workman. The learned Standing Counsel had further contended that the 1st respondent Workman is not entitled for the amounts as adjudicated by the Labour Court. He would submit that the 1st respondent – Workman has not worked during the relevant period of time and the question of paying wages to him for the said period would not arise on the principle of 'No work – No wages'. It is contended that the 1st respondent – Workman had filed M.P.No.4 of 2004 claiming wages for the put-off period from 1991 to 1993 and that the order passed by the Labour Court be set aside and the writ petition be allowed.

Learned counsel for the 1st respondent – Workman had contended that the Labour Court has rightly passed orders in favour of the 1st respondent – Workman and the claim made by the 1st respondent – Workman was not disputed by the petitioner and, therefore, the Labour Court has no other option except to pass orders in favour of the 1st respondent – Workman. Learned counsel for the 1st respondent – Workman

further contended that while admitting the writ petition, this Hon'ble Court was pleased to grant interim stay of the impugned order passed by the Labour Court on condition of the petitioner depositing half of the amount and in pursuance of the said interim order, the petitioner Corporation has deposited an amount of Rs.21,000/- and the 1st respondent – Workman has already withdrawn the said amount. Now, the only issue is about paying the balance amount of Rs.21,000/-. As no grave illegality or irregularity has been pointed out by the petitioner in the order passed by the Labour Court, this Court should not normally interfere with the order passed by the Labour Court. There are no merits in the writ petition and the same is liable to be dismissed.

This Court, having considered the rival submissions made by the learned Counsel for the respective parties, is of the considered view that as the claim made by the 1st respondent – Workman was not disputed by the petitioner, the Labour Court has rightly passed order in favour of the 1st respondent – Workman. Therefore, the petitioners cannot now turn around and contend that the Labour Court erred in passing orders in favour of the 1st respondent – Workman. As the only issue is about paying the balance amount of Rs.21,000/- to the 1st respondent – Workman, ends of justice would be met if the amount as awarded by the Labour Court is directed to be paid to the 1st respondent – Workman. Further, as no grave illegality

or irregularity is pointed out by the learned Standing Counsel for the petitioner in the order passed by the Labour Court, this Court is not inclined to interfere with the order passed by the Labour Court. There are no merits in the writ petition and the same is liable to be dismissed.

Accordingly, the Writ Petition is dismissed. No order as to costs.

As a sequel, miscellaneous petitions pending, if any, in this writ petition shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

23.01.2019.
Msr

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