

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Amk

LETTERS PATENT APPEAL NO. 200 OF 2010
IN
WRIT PETITION NO. 2629 OF 2010
WITH
CIVIL APPLICATION NO. 251 OF 2010
IN
LETTERS PATENT APPEAL NO. 200 OF 2010

Shri Pandurang Sahakari Sakhar Karkhana
Ltd., Shripur
Vs.

.. Appellant

Prabhakar Keru Khatake

.. Respondent

Mr. Surel S. Shah for the Appellant.

Mr. Kanhaiya S. Yadav i/b Anjali Helekar for the Respondent.

**CORAM : PRADEEP NANDRAJOG, C.J. &
SMT. BHARATI DANGRE, J.**

DATE : 3rd JANUARY, 2020.

ORAL JUDGMENT (Per Pradeep Nandrajog, CJ)

1. A petty sum of ₹ 37,191/- is being litigated by the Appellant on the plea that in view of Section 7A of the Industrial Disputes Act, 1947 read with 3rd Schedule thereof the issue raised by the workman concerning overtime wages fell within the jurisdiction of only the Industrial Tribunal and not the Labour Court.
2. The workman filed an application under Section 33-C (2) of the ID Act, 1947 before the Labour Court which proceeded to compute the number of hours the workman had overworked and awarded

determined wages.

3. The challenge to the computation by the Labour Court has failed before the learned Single judge who has taken a view that under Section 33-C(2) of the I.D. Act, 1947 a Labour Court could entertain the claim, for the reason the second refers to that a dispute between the workman and an employer concerned computation of wages can be decided by a Labour Court.

4. In view of petty sum involved, we are not inclined to decide on the merits for the reason there is no challenge on facts.

5. The amount being petty, we dismiss the Appeal but keep open the question to be answered should it arise in a proceeding where the amount warrants the argument to be dealt with on merits.

6. In view of the dismissal of the Appeal, Civil Application No. 251 of 2010 is disposed of as infructuous.

[SMT. BHARATI DANGRE, J.]

[CHIEF JUSTICE]