

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.4847 of 2011

Executive Engineer

.... ***Petitioner***
Mr. J.Katikia AGA

-versus-

***P.O. Labour Court , Jeypore,
Koraput***

.... ***Opp. Parties***

**CORAM:
THE CHIEF JUSTICE
JUSTICE R.K.PATTANAİK**

ORDER

11.04.2022

Misc.Case Nos.3402 & 3403 of 2011

Order No.

- 19.
1. These two applications are for substitution.
 2. Considering the grounds taken in the applications, the substitution applications are allowed.
 3. The above two Misc.Cases are disposed of.

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4. The challenge in the present petition is to an order dated 7th April, 2010 passed by the Labour Court, Jeypore at Koraput in Industrial Disputes Misc. Case No. 37 of 2008 filed by the Opposite Party-Workman.

5. The aforementioned case was filed by 49 workmen under Section 33 C (2) of the Industrial Disputes Act, 1947 (I.D.Act) claiming an aggregate sum of Rs. 91,58,634/- being the differential wages that they were entitled to having worked from 1977 onwards as skill labourers. Earlier the said Workmen approached this Court along with certain other workmen in OJC No. 871 of 1991 where a direction was issued that Non-Muster Roll workers (NMRs) having completed two years of continuous service or more would claim benefits made available to work charged workers.

6. It was on the above basis where the facts were not disputed of the workmen having completed more than two years of continuous service that the Labour Court proceeded to allow their claims and issue directions for payment of differential wages as per the calculation sheet filed by the workmen.

7. It requires to be noted that this writ petition was filed on 28th February, 2011 but kept in defects throughout. As a result not even formal notice has been issued in the present petition till date. Meanwhile, some of the workmen have died and their LR's. having brought on record. Today, another application was filed which was allowed bringing certain LR's. of the LR's. on record.

8. Having heard learned counsel for the Petitioner and having perused the impugned order of the Labour Court, this Court

finds no ground made out for interference. Even the judgment of the Supreme Court dated 29th October, 2002 of the Supreme Court in Civil Appeal No. 7342 of 1993 (*State of Orissa v. Balarama Sahu and Others*) only reiterates the well-settled principle that N.M.R./Daily wages will be entitled to regular wages after they become regularized and prior thereto may be entitled only to minimum wages. The Court does not find anything in the impugned order of the Labour Court which can be said to be contrary to the above judgment of the Supreme Court.

9. For all of the aforementioned reasons, this Court finds no ground to interfere. The writ petition is dismissed.

10. An urgent certified copy of this order be issued as per rules.

(Dr. S. Muralidhar)
Chief Justice

(R.K. Pattanaik)
Judge