

(2001) 01 SC CK 0122

In the Supreme Court Of India

Case No : Civil Appeal No: 15570 of 1996

Markfed Cement Pipe Plant

APPELLANT

Vs

Presiding Officer, Labour Court and Another

RESPONDENT

Date of Decision : 23-01-2001

Acts Referred:

Industrial Disputes Act, 1947 — Section 33C(2)

Citation : (2001) 90 FLR 1124 : (2001) 1 LLJ 1684

Hon'ble Judges : Shivaraj V. Patil, J;S. Rajendra Babu, J

Bench : Division Bench

Advocate : Mr. L. Nageshwar Rao,

Final Decision : Dismissed

Judgement

1. An award was made under the Industrial Disputes Act that respondent No. 2 (hereinafter referred to as the respondent) should be reinstated and he was to report for duty within 30 days from the date of publication of the award. As regards back wages it was stated that he was not entitled to any, however, Rs. 4000/- was awarded by way of compensation which the appellant is stated to have deposited and the respondent is stated to have withdrawn the same. The respondent also filed another writ petition claiming full back wages as against Rs. 4,000/- as compensation which had been given to him and that petition is stated to be still pending consideration. On July 24, 1987 an award is stated to have been published but the stand of the appellant is that he did not report to duty within the time stated by the Labour Court and he reported but was not taken to duty on September 1, 1987.

2. The respondent filed an application u/s 33C(2) of the Industrial Disputes Act claiming a sum of Rs. 6,500/- as wages for the period between August 21, 1987 and December 31, 1987 @Rs. 1,500/- per month. The Labour Court adjudicated the matter and passed an order directing the appellant to pay a sum of Rs. 6,500/- computing the emoluments payable to him as Rs. 1,500/- per month. The High Court dismissed the writ petition filed against the award made by the

Labour Court. Hence this appeal before us.

3. The contention put forth before us by Mr. Nageshwar Rao, the learned Senior Advocate appearing for the appellant relying upon the decision of this Court in Municipal Corporation of Delhi Vs. Ganesh Razak and Another, joined duty within a period of one month from the date of publication of the award made earlier and that he not having joined duty within that period he remained absent, he should be deemed to have abandoned the duty and in those circumstances, was not entitled to claim any wages much less was it a claim made in implementation of the award made by the Labour Court.

4. The fact that the respondent has now been taken on duty w.e.f. June 10, 1996 the question whether he is their workman or not whether he had abandoned duty or not would not arise for consideration. All that needs to be examined is whether he is entitled to wages for the period in question and that the Labour Court having done we do not think there is any justification for us to interfere with the award made by the Labour Court as affirmed by the High Court.

5. Mr. L. Nageshwar Rao, next contended that the Labour Court ought to have made an award within a period of three months as mandated by Section 33C(2) and if it could not do so it must have stated reasons for not making an award by that time. These provisions are made not for the benefit of the management but with a view to get the matter disposed of as expeditiously as possible before the Labour Court and those provisions should not come in the way of workman working out his rights. We do not think the order made by the Labour Court if belated would become vitiated or void, On the other hand it is the requirement in law that the Labour Court ought to have disposed of as expeditiously as possible within the time stipulated under the statute. If there are extraordinary circumstances the time fixed under statute could be extended for good reasons to be recorded by the Labour Court. This appeal is accordingly dismissed.