

(1959) 12 MAD CK 0024

In the Madras High Court

Case No : Writ App. No. 133 of 1959

M.S.N.S. Transports, Tiruchirapalli

APPELLANT

Vs

K. Rajaram and Another

RESPONDENT

Date of Decision : 22-12-1959

Acts Referred:

Industrial Disputes Act, 1947 — Section 33
Payment of Wages Act, 1936 — Section 15

Citation : AIR 1960 Mad 332 : (1960) ILR (Mad) 390 : (1960) 1 LLJ 336 :
(1960) 73 LW 163

Hon'ble Judges : P.V. Rajamannar, C.J.; Jagadisan, J

Bench : Division Bench

Judgement

P.V. Rajamannar, C.J.—The only point pressed upon us by learned counsel for the appellant is that the Labour Court had no jurisdiction to

entertain the petition filed by the workman for fixing the amount payable to him as back wages in consequence of the award of the Labour Court

dated 11th September, 1954 in and by which the management was directed to reinstate the workman with back wages The contention was that

the matter really fell within the province of Sec. 15 of the Payment of Wages Act and the workman should have moved the authority specified in

that section for the relief he sought and therefore, the Labour Court had no jurisdiction in the matter. In our opinion the contention cannot be

accepted for two reasons, Firstly, we think that Sec. 33-C(2) of the Industrial Disputes Act is wide enough to cover a case like this where the

award of a Labour Court merely gave a benefit to the workman, namely, the benefit of back wages, without specifying the amount the workman

had become entitled to receive from the employer. This benefit is certainly one in respect of which the worker could apply to the labour court for

determination of the actual amount. Secondly we think that though the term "back wages" is used to describe the benefit being awarded to the

workman who has been without employment till the reinstatement, the claim would not be a claim to wages which fell within the scope of the

Payment of Wages Act. We therefore hold that the Labour Court had jurisdiction to entertain the petition filed by the workman. In the result the

appeal is dismissed.

2. Appeal dismissed.