
(1966) 02 KAR CK 0012
In the Karnataka High Court
Case No : Writ Petition No. 837 of 1965

Mysore Sugar Company Ltd.

APPELLANT

Vs

Manavendra (B.K.) and Others

RESPONDENT

Date of Decision : 15-02-1966

Acts Referred:

Industrial Disputes Act, 1947 — Section 33 C (1), 33 C (2), 7 (1), 7 A

Citation : (1966) 12 FLR 434 : (1966) 2 LLJ 463 : (1966) 1 MysLJ 544

Hon'ble Judges : T.K. Tukul, J; K. Bhimayya, J

Bench : Division Bench

Judgement

Per Tukul, J.—This is a writ petition by the Mysore Sugar Company, Ltd., under Art. 226 of the Constitution for the issue of a writ of certiorari quashing the orders passed by the labour court, Bangalore, in the petitions filed by the first seven respondents purporting to be under S. 33C(2) of the Industrial Disputes Act, 1947 (hereinafter called the Act). The petitions filed by the respondents were all heard together and the labour court came to the conclusion that respondents 2, 3, 4, 6 and 7 to this petition should be fitted in the supervisory staff A grade entitling them to the pay-scale of Rs. 300 - 600, that respondents 1 and 5, their assistants, should be "treated at par with" them entitling them to draw pay in the scale of Rs. 200 - 400 and directed the present petitioner to pay Rs. 5,520 to each of the first set of respondents and Rs. 3,696 to each of the second set of respondents, namely, 1 and 5.

2. The petitioner has impugned the legality and the propriety of this order on various grounds. The first contention urged before us is that the labour court has no jurisdiction to fix the respondents in the higher scale of pay and award them the arrears. The second contention is that in the face of a valid agreement subsisting between the petitioners and the respondents governing their conditions of service and pay as entered into on 10 January, 1963, it was not open to them to approach the labour court for the reliefs claimed. The third contention raised is that the recommendations contained in the report of the

Wage Board have no statutory force and that the respondents cannot claim any benefit under it by making applications under S. 33C(2) of the Act. It was also submitted that the respondents should have approached the tripartite machinery contemplated by the Wage Board and not the labour court. Since we are holding on the main issue in favour of the petitioner, it is unnecessary to consider the third contention regarding the necessity to refer to the tripartite machinery as mentioned in the Wage Board report.

3. Of these contentions the most important is the one relating to the jurisdiction of the labour court. It was submitted by Sri Satya-narayana for the petitioner that the main relief claimed for the respondents related to their "classification by grade" and that the proper forum for the grant of that relief was the industrial tribunal as contemplated by S. 7A read with Sch. III of the Act. The learned advocates for the respondents submitted that the objection as regards jurisdiction raised by the petitioner before the labour court was not in the present form and that the petitioner should not be permitted to transgress the limits of his pleading. In support of this argument, our attention was drawn to the first paragraph of the objections filed by the petitioner wherein it has been stated that the application was not maintainable under S. 33C(2) of the Industrial Disputes Act, 1947, as the applicant was not entitled to receive from the respondent-company any benefit which could be computed in terms of money or otherwise. This objection has necessarily to be considered, in the light of the reliefs prayed for by the petitioner. The application filed by respondent 6 (Application No. 39 of 1964) is included in the paper book and it is typical of the other applications. In Para. 4 of the application, he has stated that the initial pay-scale of Rs. 100 - 10 - 200 on which he was started, was subsequently revised to Rs. 200 - 15 - 350 - 25 - 400 in the year 1962 while giving retrospective effect from 1 November, 1960 as a result of the implementation of the Central Wage Board report. In Para. 11, it has been stated that while implementing the Wage Board structure in 1962, the applicant ought to have been designated as shift engineer and fixed in the scale of Rs. 300 - 25 - 600. It is further clarified in Para. 13 by stating that the respondent-company had overlooked some material factor by fixing two different grades, viz., one for a diploma-holder in mechanical engineering and another for a diploma-holder in electrical engineering. Paragraph 15 which contains the prayer column expressly mentions that the petitioner should be awarded the grade of Rs. 300 - 25 - 600 since 1 November, 1960 and also the difference in the arrears of pay. Application No. 38 of 1964 filed by respondent 5 is to be found at p. 71 of the paper book. Therein he has stated that the initial pay-scale of Rs. 60 - 160 on which he was started was subsequently revised to Rs. 135 - 305 and that he should be awarded the arrears in the difference of salary by fixing him in the scale of Rs. 200-15-350-25-400. It would be evident from the contents of these two applications that the petitioners wanted themselves to be fixed in the higher grade in which persons holding similar qualifications in the department of mechanical engineering had been fixed and that they should be awarded the higher grade of salary available for the shift

engineers. If Para. (1) of the objection already referred to filed by the present petitioner is read in the light of the contentions made in the petitions filed by the respondents, there is hardly any doubt in holding that the objection as regards the jurisdiction of the labour court was on the ground of its incompetency to consider the question of classification by grade and the award of higher grade of salary. That this was the relief prayed for by the petitioners is fortified by the contents of their representation (Ex. R. 1) made to the general manager on 27 May, 1963. Therein it has been stated thus :

"... Though the rights and duties of the electrical engineers are similar to that of the mechanical shift engineers, yet we have been placed in a lower grade and we are not in a position to say under what circumstances our grade was fixed at a lower level."

4. Further the prayer continued in the representation reads thus :

"In the light of the above circumstances, we request your goodself to reconsider our case and firstly to change our designation to shift electrical engineers and secondly to give us to grades and rate of increments offered to the shift mechanical engineers and to keep us at par with the L.M.E. candidates and also keep up the prestige of the section."

5. That the contention taken before this Court by the petitioner is identical with the one taken before the labour court has not been left in any doubt. That fact can be ascertained by referring to Para. 11 of the order of the labour court wherein the material contention has been summarized thus :

"His argument is that the petitioners are seeking for higher grades and higher scales of pay in these applications than those assigned to them by the management and as such the question whether they are entitled to higher grades carrying higher scales of pay falls within the special jurisdiction of the industrial tribunal and such a question does not fall within the jurisdiction of the labour court and so the applications are liable to be rejected."

6. Taking all those factors into consideration, we have not hesitation in rejecting the objection raised by the respondents to our entertaining the question of jurisdiction raised by the present petitioner.

7. We have, therefore, to see whether it is competent, to the labour court to fix the petitioners in the higher grade and award higher scales of salary as has been done by the composite order. Section 7(1) of the Act empowers the State Government to constitute one or more labour courts for the adjudication of industrial disputes relating to any matter specified in Sch. II and for performing such other functions as may be assigned to them under this Act. Section 7A(1) of the Act empowers the State Government to constitute one or more industrial tribunals for the adjudication industrial disputes relating to any matter, whether specified in Sch. II or III. It is the contention of the petitioner that item 7 in Sch. III which deals with "classification by grades" is a subject which falls within the

exclusive jurisdiction of the industrial tribunal and the labour court entertaining an application under S. 33C(2) of the Act cannot have jurisdiction to adjudicate upon such matter. It is well-established that statutes granting special jurisdiction and conferring special powers and privileges have to be strictly construed and a tribunal of one kind cannot entrench upon the jurisdiction of the other by dealing with the subject which the special enactment assigns for adjudication to such a special tribunal. Where a power has been conferred on a Court by statute, other Courts cannot interfere with its exercise and substitute their own jurisdiction over persons and subjects selected by the legislature for the purpose. It is, however, contended on behalf of the respondents that S. 33C(2) is wide enough to comprehend the reliefs prayed for by the respondents and that the labour court had not exceeded its jurisdiction in any manner.

8. In order to examine the merits of the contentions raised by the parties it is necessary to read Ss. 33C(1) and 33C(2) at this stage.

"33C(1). Where any money is due to a workman from an employer under a settlement or an award or under the provisions of Chap. V-A, the workman may, without prejudice to any other mode of recovery, make an application to the appropriate Government for the recovery of the money due to him, and if the appropriate Government is satisfied that any money is so due, it shall issue a certificate for that amount to be Collector who shall proceed to recover the same in the same manner as an arrear of land revenue.

(2) Where any workman is entitled to receive from the employer any benefit which is capable of being computed in terms of money, the amount at which such benefit should be computed may, subject to any rules that may be made under this Act, be determined by such labour Court as may be specified in this behalf by the appropriate Government, and the amount so determined may be recovered as provided for in Sub-section (1) ..."

9. Sub-section (3) empowers the labour court to take such evidence as may be necessary for the purposes of computing the money value of the benefit to which the workman-applicant is entitled.

10. It is obvious from the scheme of the two sub-sections that Sub-section (2) empowers the labour court to compute in terms of money any benefit which a workman is entitled to receive from his employer. Since these provisions have been the subject-matter of judicial pronouncements by the Supreme Court, it would be sufficient if reference is made to two of the latest decisions cited at the Bar to determine the scope of Sub-section (2). In *Punjab National Bank Limited Vs. K. L. Kharbanda*, their lordships down (at p. 239) that :

"the word "benefit" used in Sub-section (2) is not confined merely to non-monetary benefit which could be converted in terms of money but is concerned with all kinds of benefits, whether monetary or non-monetary, to which a workman may be entitled ..."

11. Their lordships held that :

"the sub-section comes into play when the benefits have to be computed or calculate and there is a dispute as to the calculation or computation."

12. Incidentally they observed at p. 238 that :

"Section 33C is a provision in the nature of execution and where the amount to be executed is worked out (for example, in an award) or where it may be worked out without any dispute, S. 33C(1) will apply."

13. They further observed that :

"Where the amount due to a workman is not stated in the award itself and there is a dispute as to its calculation, Sub-section (2) will apply and the workman will be entitled to apply thereunder to have the amount computed, provided he is entitled to a benefit capable of being computed in terms of money."

14. The observation as regards the nature of the proceeding under S. 33C was, however, modified in *The Central Bank of India Ltd. Vs. P.S. Rajagopalan etc.*, wherein their lordships at p. 97 held that

"the observation made by this court in the case of *Punjab National Bank Limited Vs. K. L. Kharbanda*, , that S. 33C is a provision in the nature of execution should not be interpreted to mean that the scope of S. 33C(2) is exactly the same as S. 33C(1) ..."

15. It is pertinent to mention that both sides have placed reliance on this decision. We therefore, consider it essential to ascertain the facts and the ratio of this decision. The respondents before their lordships were clerks and their contention was that besides attending to the routine duties as clerks they had been operation the adding machine provide for use in the clearing department of the branch and that each clerk was entitled to the payment of Rs. 10 per month as special allowance for operating the adding machine as provided for under para. 164(b)(1) of the Sastri award. It should be noted that the claim put forward by the respondents in that case was on the basis of the award. The bank contended that the allowance claimed by the respondents was payable only to the communists and could not be claimed by respondents on the ground that they were operation the adding machines. They also contended that the work of operating the comptometer had to be learnt over several months, while the work of operation the adding machines needed no special training. One of the questions before their lordships was that as the appellant-bank disputed the respondents' right to claim special allowance, the labour court had no jurisdiction to deal with their claim. Their lordships considered the legislative history and referred to the circumstances under which the amending Act of 1956 came to be passed. They discussed the scope of S. 33C(2) at p. 95. They laid down that :

"In our opinion, on a fair and reasonable construction of Sub-section (2) it is

clear that if a workman's right to receive the benefit is disputed, that may have to be determined by the labour court ... The claim under S. 33C(2) clearly postulates that the determination of the question about computing the benefit in terms of money may, in some cases, have to be preceded by an enquiry into the existence of the right and such an enquiry must be held to be incidental to the main determination which has been assigned to the labour court by Sub-section (2). As Maxwell has observed :

"Where an Act confers a jurisdiction, it impliedly also grants the power of doing all such acts, or employing such means, as are essentially necessary to its execution."

We must accordingly hold that S. 33C(2) takes within its purview cases of workmen who claimed that the benefit to which they are entitled should be computed in terms of money, even though the right to the benefit on which their claim is based is disputed by their employers. Incidentally, it may be relevant to add that it would be somewhat odd that under Sub-section (3), the labour court should have been authorized to delegate the work of computing the money value of the benefit to the Commissioner if the determination of the said question was the only task assigned to the labour court under Sub-section (2). On the other hand, Sub-section (3) becomes intelligible if it is held that what can be assigned to the Commissioner includes only a part of the assignment of the labour court under Sub-section (2)."

16. It would be evident from the words utilized that the claim to the benefits which are sought to be computed by the workman must relate to an existing right. That this is the interpretation of the passage is further fortified by what their lordships observed at p. 96 :

"Besides, there can be no doubt that when the labour court is given the power to allow an individual workman to execute or implement his existing individual rights, it is virtually exercising execution powers in some cases, and it is well-settled that it is open to the executing Court to interpret the decree for the purpose of execution. It is, of course, true that the executing Court cannot go behind the decree, nor can it add to or subtract from the provision of the decree. These limitations apply also to the labour court; but like the executing Court, the labour court would also be competent to interpret the award or settlement on which a workman bases his claim under S. 33C(2). Therefore, we feel no difficulty in holding that for the purpose of making the necessary determination under S. 33C(2), it would, in appropriate cases, be open to the labour court to interpret the award or settlement on which the workman's right rests."

17. Their lordships then proceeded to discuss about the scope of the existing right and referred to Sub-section (1) of S. 33C wherein reference is made to a settlement or an award or the provisions of Chap. V-A of the Act. They noticed that these words of limitation occurring in Sub-section (1) are not to be found in Sub-section (2) and to that extent, the scope of that sub-section is undoubtedly

wider than that of Sub-section (1). They also observed that it is possible that claims not based on settlements, awards or made under the provisions of Chap. V-A may also be competent under S. 33C(2). After noting that the scope of Sub-section (2) was wider than the scope of Sub-section (1), their lordships hastened to indicate the limitations on the scope of Sub-section (2) and stated (at p. 97) :

"We would, however, like to indicate some of the claims which would not fall under S. 33C(2), because they formed the subject-matter of the appeals which have been grouped together for our decision along with the appeals with which we are dealing at present. If an employee is dismissed or demoted and it is his case that the dismissal or demotion is wrongful, it would not be open to him to make a claim for the recovery of his salary or wages under S. 33C(2). His demotion or dismissal may give rise to an industrial dispute which may be appropriately tried, but once it is shown that the employer has dismissed or demoted him a claim that the dismissal or demotion is unlawful and, therefore, the employee continues to be the workman of the employer and is entitled to the benefits due to him under a pre-existing contract, cannot be made under S. 33C(2). If a settlement has been duly reached between the employer and his employees and it falls under S. 18(2) or 18(3) of the Act and is governed by S. 19(2). it would not be open to an employee, notwithstanding the said settlement, to claim the benefit as though the said settlement had come to an end. If the settlement exists and continues to be operative, no claim can be made under S. 33C(2) inconsistent with the said settlement. If the settlement is intended to be terminated, proper steps may have to be taken in that behalf and a dispute that may arise thereafter may be dealt with according to the other procedure prescribed by the Act."

18. Pausing here for a moment, the obvious conclusion that could be deduced from these observations and the illustration given by their lordships is that a claim which is made under S. 33C(2) must relate to an existing right. Besides, it should be a claim which should not be dependent upon the determination of another matter which might give rise to a labour dispute falling under S. 10(1) or other provisions of the Act. It may further be added that if there is a settlement between the parties, it would not be open to an employee to claim any other rights than those awarded to him under the settlement, unless steps are taken to terminate the settlement.

19. In the present case, we have pointed out with reference to the pleadings and the representation made by the petitioners that the relief claimed by them is not one which strictly and specifically springs from the existing position which they held at the date of the application. Their submission is that both by virtue of their qualifications and the nature of the duties they were entitled to be fixed in higher grade and were entitled to be awarded the higher grade of salary. This in our opinion is clearly a matter which falls within the exclusive jurisdiction of the industrial tribunal and therefore stands excluded from the jurisdiction of the labour court.

20. It was, however, contended on behalf of the respondents that what the labour court had done after taking evidence was merely to ascertain the scope of their duties vis a vis the scope of engineers in the mechanical department and decide upon the scale of pay they ought to have been given under the Wage Board report. It is admitted that out of the seven applicants, 5 are designated as shift electricians, while the other 2 are designated as assistant shift electricians. The existing hierarchy of the grades in operation in the factory is to be found at p. 99 of the paper book. Beginning from the top the designations read thus :

"Chief engineer, deputy chief engineer, chief electrician, shift electrician centrifugal electrician or power-house electrician and other personnel."

21. The pay-scales sanctioned under the agreement dated 10 January, 1963 are to be found at p. 140 of the paper book. The tabular statement not only shows the grades which were initially in existence but also the fitments suggested by the Wage Board, the grade proposed by the association of workmen and the grades fixed under the terms of the agreement. A copy of the agreement is to be found at p. 135 of the paper book. Under the agreement, the grade of Rs. 300 - 25 - 600 is given to the shift engineers falling under the supervisory A grade. One Sri Sastri who was the production manager and chief engineer was examined as R.W. 1. He has given the nature of work and duties of the respondents and the other officers of the factory. Respondent 6 was examined as P.W. 1. He stated that he was given the grade of Rs. 200 - 15 - 350 which is the supervisory C grade. He admitted in his cross-examination as follows :

"The grade of chief electrician is Rs. 300 - 25 - 600. He is in supervisory A grade according to Wage Board recommendation. He is my immediate superior. It is not true to suggest that the chief engineer is superior in rank to the chief electrician ... I am demanding supervisory A grade. The designation is electrical engineer."

22. It is manifest from these admissions that the relief sought for by the respondents the S. 33C was not merely for the computation of the benefits attached to their existing right in their factory. They obviously lay claim to a post in the supervisory A grade carrying a salary of Rs. 300 - 25 - 600. After discussing the evidence that was recorded, the labour court concluded thus :

"Accordingly I am of opinion that they are entitled to be fitted in the supervisory staff A grade and fitted into the pay-scale of Rs. 300-25-600 as prayed for ..."

23. From the evidence and the order of the labour court, there can be little doubt in holding that the labour court did not decide nor was it called upon to compute the benefits which the petitioners were entitled to under their existing rights

24. The learned advocate for the respondents, however contended that the petitioner-factory had debited Rs. 4,79,643 as extra charges of the implementation of the Central Wage Board report and that when once the factory implemented the Wage Board report, the respondents got a vested right to claim

such grade and pay as they were entitled to by virtue of their qualifications and duties. The Wage Board report merely contains the recommendations of the board for implementation by the management. It is neither an award nor a settlement nor a contract conferring any enforceable right on any employee. If the management implements the award by entering into an agreement with the employees, it is not the recommendations of the Wage Board that confer any right on an employee, but it is the terms of the agreement between the employer and the employees that confer enforceable rights on the latter. It would not be open to an employee, as has been argued in the present case, that because the Wage Board report had been implemented in some manner by fixing them in some grade at some scales of salary, they acquired a right to make applications under S. 33C(2) of the Act. As already observed, an application under S. 33C(2) must have a reference to an existing right referable to an award, settlement, provisions of the Act or a subsisting contract. The petitioners do not rest their claim on any one of these and hence, their application under S. 33C(2) for the reliefs sought was not competent. The labour court obviously exceeded its jurisdiction in adjudicating upon matter which the legislature in its wisdom has thought it fit to entrust to the exclusive jurisdiction of the industrial tribunal.

25. Before closing this discussion, we would like to refer to some of the other decisions relied upon by the parties. Sri Satyanarayana for the petitioner has placed reliance on the decision of the Division Bench of the Madras High Court in *R. Natarajan v. Lakshmi Mills Company, Ltd.* [1964 II L.L.J. 296]. In that case, the appellant was working as an unskilled labourer in the lowest category till 3 October, 1959. He made a claim to the labour court at Coimbatore that he was a fitter and that appropriate wages to that category of workers under the industrial award should be paid to him. He therefore sought to recover from the management a sum of money representing the difference in wages between what he had received and what was due to him, had he been designated as fitter. The management disputed the jurisdiction of the labour court to decide the question whether the appellant was a fitter or was merely an unskilled fitter. The labour court upheld the claim of the workman and awarded the difference in wages as being due to him. The mills challenged the order by the writ petition. That writ petition came before a single Judge of that High Court. The learned Judge was of the opinion that S. 33C(2) of the Industrial Disputes Act could only refer to ascertainment of benefits derived under industrial settlement or award or matters coming under Chap. V-A of the Industrial Disputes Act and that as the claims in the instant case did not come under those categories the labour court had no jurisdiction to entertain the petitions. In an appeal to the Division Bench by the aggrieved workmen, the Division Bench upheld the view taken by the single Judge. In rejecting the appeal their lordships observed that the dispute before them was not about the actual posts which the workmen occupied, but what they deserved by way of their salary and other emoluments for the duties claimed to have been performed by them. Their lordships further held that a claim of that kind could not obviously come under S. 33C(2) which speaks of

benefits to which the workman is entitled. The claim made in that case was that the actual classification of their posts in the grade in which they had been placed was incorrect. Their lordships referred to the decision of the Supreme Court in *The Central Bank of India Ltd. Vs. P.S. Rajagopalan etc.*, (already mentioned by us) and concluded that a claim of the type before them was patently beyond the jurisdiction of the labour court. This decision fully supports the case of the petitioner.

26. The decisions cited on behalf of the respondents do not directly cover the point at issue. *Punjab National Bank Limited Vs. K. L. Kharbanda*, relied upon by the respondents has already been referred to by us and we are unable to find anything that is helpful to the respondents. The decision in *Shri Ambica Mills Co. Ltd. Vs. S.B. Bhatt and Another*, was under S. 15 of the Payment of Wages Act. What has been laid down therein is that the Court exercising jurisdiction under that section has necessarily to consider various questions incidental to the claims fall in thereunder. Their lordships observed that it was not possible to lay down any hard-and-fast rule as to what should be the incidental questions. In our opinion, the classification by grade and fixing of the respondents in the higher grade is not incidental to the reliefs sought for by them. In our opinion, it is the very basis of the reliefs sought for, namely, the difference in the arrears of wages or pay.

27. Reliance was placed on the decision of the Madras High Court in *South Arcot Electricity Distribution Co. Ltd. Vs. Elumalai and Others*, . In that case an electrical concern had been taken over by the Madras Government which transferred it to the Madras State Electricity Board. A large number of employees of the undertaking were retrenched and they considered themselves to be entitled to retrenchment compensation and certain other benefits referred to under Chap. V-A of the Act and they petitioned before the labour court to enforce their claims. His lordship held that the claim made in the case referred to wages for the period of the notice to which the petitioners were entitled and that they were entitled to the computation of the monetary benefits. It is obvious that the benefits to which the petitioners laid claim in that case were the benefits available to them under Chap. V-A of the Act. It appears that, during the course of the argument, reference was made to Schs. II and III of the Act in opposing the claims of the petitioners. It was held that the claim made by the workmen would not be beyond the jurisdiction of the labour court, even though the "retrenchment of workmen and closure of establishment" was item 10 in Sch. III. This view found favour with the Court on the ground that there was no industrial dispute. We are unable to see how this case would help the respondents. Respondents are admittedly a class of workmen employed in the electrical section of the factory as shift electricians and as their assistants; they have laid claim to higher grade and higher grades of salary and both have been disputed by the employer. They have got no such right either under any award or settlement or under the provisions of the Act. No assistance can therefore be derived by the respondents from this decision.

28. The decision of the Supreme court in South Indian Bank Ltd. Vs. A.R. Chacko, has also no application to the facts of this case. The petitioner's claim under S. 33C(2) in that case was based on the strength of Para. 164 of the Sastri award. In our opinion, none of these decisions cited by the respondents support the order passed by the labour court.

29. The second contention argued on behalf of the petitioner is that as the agreement arrived at between the petitioner and the association of the employees has been in operation since 10 January, 1963, it was not open to the respondents to file an application in higher grade and higher salary. The agreement was marked as Ex. M. 2 by the consent of parties. [vide p. 12 of the labour court's order.] In spite of the document being thus marked, the presiding officer seems to have entertained contentions with regard to the subsequent compliance with certain rules and its form. Before this Court, the petitioner filed an affidavit stating in paras (k) and (l) that the labour court had erred in holding that the agreement was not in the manner prescribed by the rules, though the same had been registered under the provisions of law. In the counter filed by the respondents not a word has been stated about the agreement, or its infirmity or non-compliance with certain formalities. It appears to us that the respondents have been drawing their salaries in accordance with the scales mentioned in the agreement. In the face of these facts, it is too much to contend that there was no valid agreement. However, we refrain from recording our final conclusion on this point, as in our opinion the order passed by the labour court is without any jurisdiction.

30. The learned advocates cited certain decisions as to the scope of interference in the exercise of our writ jurisdiction. The decisions lay down that this Court should not interfere merely on questions of fact or even if there are certain error in the appreciation of the evidence. It is unnecessary to discuss those decisions since we are interfering in this case on the ground of want of jurisdiction. The labour court had no jurisdiction to adjudicate upon the points raised by the respondents and in passing the order it has clearly encroached upon the jurisdiction of the industrial tribunal.

31. For these reasons, we allow this writ petition, set aside the order passed by the labour court, and dismiss the petitions filed by the respondents. No costs.