
(2011) 02 AHC CK 0012

In the Allahabad High Court

Case No : C. Miscellaneous W.P. No. 35553 of 1991

Nagar Palika, Mawana

APPELLANT

Vs

Labour Court

RESPONDENT

Date of Decision : 24-02-2011

Acts Referred:

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

Citation : (2012) 133 FLR 825 : (2012) LLR 798

Hon'ble Judges : Sibghat Ullah Khan, J

Bench : Single Bench

Advocate : B.K. Srivastava and Mr. Ajay Rajendra, for the Appellant; Madan Mohan and Mr. P. Mittal, for the Respondent

Final Decision : Allowed

Judgement

Sibghat Ullah Khan, J.—Heard learned counsel for the parties. This writ petition is directed against order 30.8.1991 passed by Presiding Officer, Labour Court (II), U.P., Meerut in Misc. Case No. 53 of 1990 u/s 33-C(2) of Industrial Disputes Act? Raj Kumar Singh v. Nagar Palika Mawana. Through the said case respondent No. 2-workman Raj Kumar Singh had claimed over time wages against the petitioner from 24.6.1982 to 2.12.1987. The Labour Court accepted the case of respondent No. 2 and directed payment of Rs. 15,917.50 as overtime wages to him by the petitioner-employer.

In this writ petition an interim order was passed on 6.12.1991 staying the operation of the impugned order till further orders.

2. The matter is squarely covered by the authority of the Supreme Court reported in D. Krishnan v. Special Officer, AIR 2009 SC 395 relied upon by the learned counsel for the petitioner. In the said authority it has been held that unless claim/entitlement to overtime wages is determined by some competent authority (prior adjudication), it cannot be directed to be paid u/s 33-C(2) of Industrial Disputes Act. accordingly, writ petition is allowed. Impugned order is set

aside.