

Run By Shorthand Dictation Legal Matters

Since 2005

(Sir Isaac Pitman's Shorthand)

Krishna Shorthand Institute

कृष्णा आशुलिपिक संस्थान

(English Only) By. A.V. Kushwaha

(For Govt. Jobs, SSC (Group D & C), Supreme Court, High Court, District Courts, ASRB, CRPF, Railway, CBSC & all other departments requiring "English Stenographer/Personal Assistant/Private Secretary")

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(Contact No. 7355504435)

Note: You will get following:

- 1. Passage**
- 2. Important Outlines**

Court Skill Test Based Dictations: It covers all skill tests conducted by any Court (Supreme Court, High Court, District Courts, Tribunals, Law Firms) including SSC etc.

18

NOTE: Very important latest created passage for Supreme Court/High Court/District Court/Tribunal etc. related skill tests apart from speed building.

Topic: Service Matter: Workman/Labour Laws

Volume 1, Dictation No. 18

Note: Outlines of all highlighted words/phrases are given at the end of the passage. Adopt all better outlines than yours.

The Apex Court in the facts of the said case took the view that the question of back wages could be decided only in a forum to which a reference under Section 10 of Industrial Disputes Act is made. The Apex Court held that the Labour Court in the facts of that case could not entertain the claim made by the respondent which was not based on existing right but which could have appropriately been made subject matter of industrial dispute. The said case is clearly distinguishable and is not applicable in facts of the present case. Another case relied by the petitioner's counsel is State Bank of India's case (supra).

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In the aforesaid case, the workmen were terminated and the industrial dispute was raised. The Tribunal passed an award of reinstatement of the workmen with effect from 16.8.1969. The award was, however, silent in regard to payment of wages for the period of termination and reinstatement. The High Court also did not interfere with the award. After dismissal of the writ petition, application was filed under Section 33C(2) claiming back wages on the basis of award. The Labour Court allowed the application and computed the amount payable to the workmen. In the facts of the above case, the Apex Court allowed the appeal and held that the said back wages were not the pre-existing right of the workmen. Principles were laid down in paragraph 8 of the said judgment which have already been extracted above. Another case relied by petitioner's counsel is Bihar State Road Transport Corporation's case (supra). The above case was a case in which an application under Section 33C(2) was filed claiming overtime allowance for a period 20.2.1984 to 31.12.2025. This Court held that under Section 33C(2) the claim must

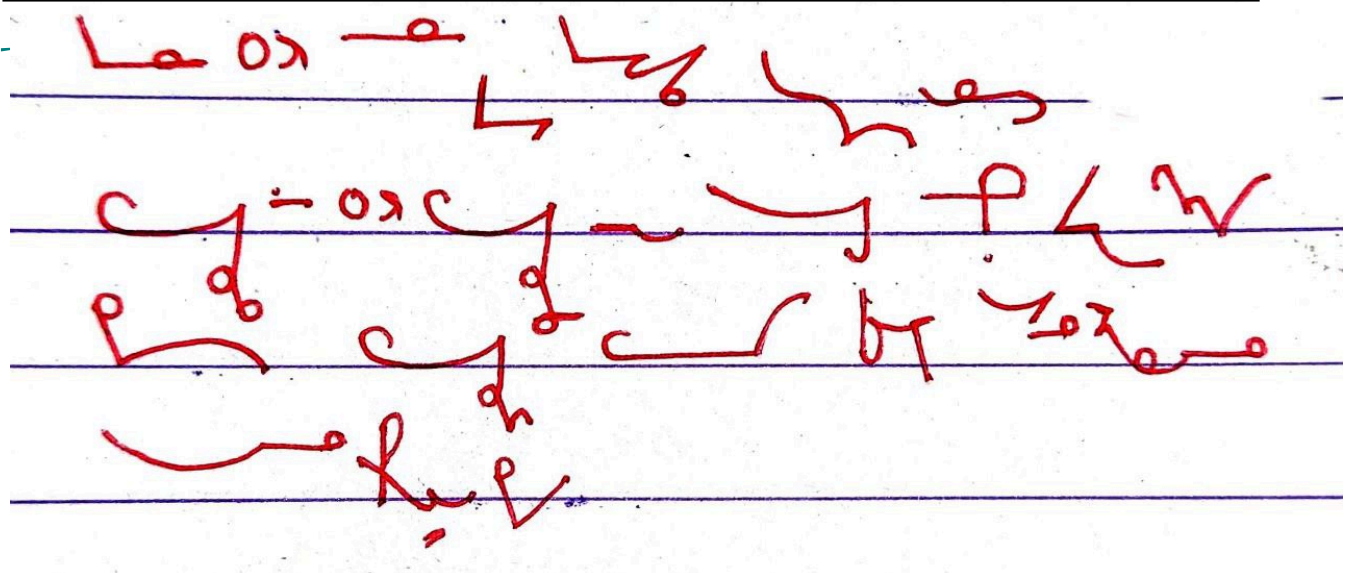
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necessarily be pre-existing benefit and one flowing from pre-existing right.

First, if the allegations were wholly irrelevant and even if true, they need not have been answered and the appellant could derive no benefit from the respondents not answering them. We have already dealt with this matter and have made it clear that if they were true and made out by acceptable evidence. Secondly, it is well settled that the jurisdiction of the Labour Court under Section 33C(2) is in the nature of an executing forum, and it cannot create or adjudicate upon rights which do not already exist. The Court is confined only to computation of benefits that have been crystallised by law, award or binding government order.

Total Words: 413

Outlines of First Page (Highlighted Words)



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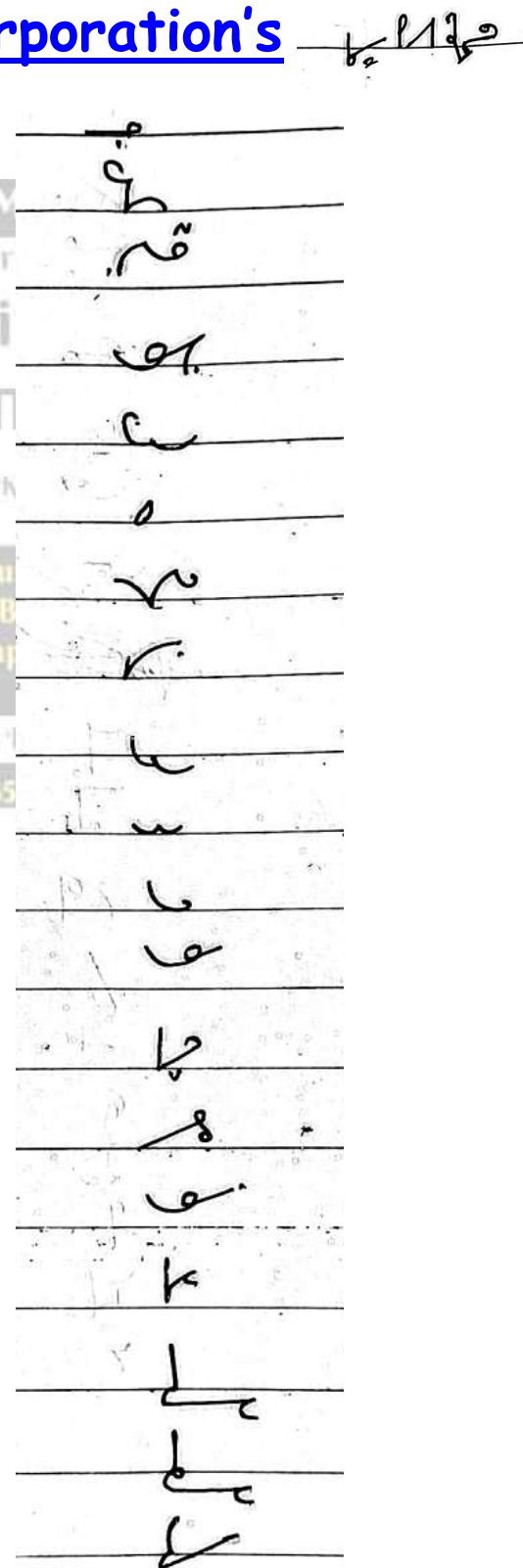
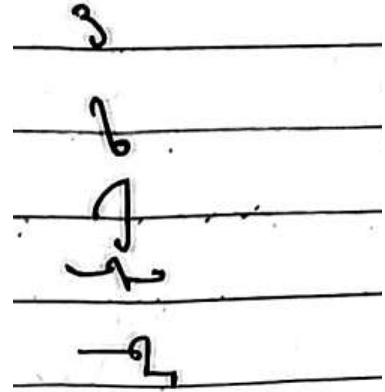
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