

IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

Writ Petition No. 1720 of 2007 (M/S)

U.P.S.R.T.C.

.....Petitioner

Versus

Labour Court Dehradun and others

..... Respondents.

Dated: 31st July, 2017

JUDGMENT

Hon'ble Sharad Kumar Sharma, J.

It is a very pathetic state of affairs where the respondent is knocking the doors of the Court for the payment of overtime dues of Rs.10,737/- plus the cost of Rs. 500/ only. The challenge in the writ petition, given by the petitioner, is to the order dated 5th July, 2001, passed by the Labour Court in Misc. Case No. 93 of 2000, whereby, the learned Labour Court, while exercising its power under Section 33 (C) (2) of the Industrial Disputes Act, had granted a sum of Rs. 10,737/-, which was payable to the respondent for the overtime from August, 1997 to March, 1998.

The Uttarakhand Transport Corporation in all its pleadings has invariably admitted the fact that the respondent is entitled for the payment of overtime dues for the period August, 1997 to March, 1998. But the only reason which has been assigned by the Corporation in not remitting the said dues, which is admitted, is that the financial constraints of the Corporation which is reportedly is very poor and it further observes that the said amount would be paid as soon as the condition improves.

From the aforesaid defence, at least, one fact which is established is that Corporation admits that they owe the liability to pay to the employee the overtime dues and this ground which the respondent have taken in the counter affidavit to the effect that there is shortage of finances and the conditions of the Corporation is not viable to make the payments, is absolutely not acceptable by the Court, since the amount which is being demanded by the respondent is an admitted amount of overtime for the period from August, 1997 to March, 1998 and settled in his favour on 05.07.2001.

Remaining absent and not pressing the writ petition by the petitioner, though, it could have been dismissed on the merits, but since for the reasons that the Corporation admits the fact that the respondent had worked overtime, secondly, respondent admits the fact that an award has been passed and under Section 33 (C) (2) of the Act, they are liable to make payment.

This writ petition is dismissed.

(Sharad Kumar Sharma, J.)

31.07.2017

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