

A CURRENCY NOTE PRESS & ANR.

v.

N. N. SARDESAI & ORS.

(Civil Appeal No. 5152 of 2017)

B JULY 20, 2018

[ABHAY MANOHAR SAPRE AND S. ABDUL NAZEER, JJ.]

Industrial Disputes Act, 1947 – s. 33-C(2) – Overtime wages – Claim for – Applications by employees claiming overtime wages for work claimed to have been done by them in discharge of their duties – Dismissed by the labour court – However, allowed by the High Court – Interference with – Held: Not called for since the employees (total 17) are now no longer in service and have either retired from the service or died; the amount involved and awarded to the employees is not very sizable; it relates to the period from 1986-1990; the amount was already paid long back to the employees pursuant to the impugned order; and it relates to the overtime work admittedly done by the employees while on duty.

CIVIL APPELLATE JURISDICTION : Civil Appeal No. 5152 of 2017.

E From the Judgment and Order dated 21.10.2011 of the High Court of Judicature at Bombay in Writ Petition No. 534 of 1997.

F Rahul Shyam Bhandari, Ms. Madhu Sweta, Rohit Jain, Ms. Abha R. Sharma, Vinay Navare, Dr. Ravindra Chingale, Ms. Deeplaxmi Matwankar, Ms. Gwen, R. Balasubramanium, Sachin Sharma, Advs. for the appearing parties.

The Judgment of the Court was delivered by

G **ABHAY MANOHAR SAPRE, J.** 1. This appeal is filed against the final judgment and order dated 21.10.2011 passed by the High Court of Judicature at Bombay in Writ Petition No. 534 of 1997 whereby the Single Judge of the High Court allowed the writ petition filed by the respondents herein and set aside the order dated 16.02.1995 passed by the Labour Court and allowed the applications of the respondents.

2. It may not be necessary to set out the facts in detail except to the extent necessary to appreciate the short issue involved in the appeal.

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3. The question involved in the appeal is whether the High Court was justified in allowing the respondents' (employees) writ petition and was, therefore, justified in setting aside the order passed by the Labour Court. A

4. The appellants herein are body Corporate wholly owned by and working under the control of Ministry of Finance, Government of India and had been specifically incorporated to take on the work of printing currency notes and minting of coins along with 7 other units. Their printing press is at Nashik(Maharashtra). The respondents (total 17) at all relevant times were the employees of the appellants' printing press on different posts such as Junior Accounts Officer/Head Accountants and Section Officers. B C

5. The respondents claiming to be the workmen of the appellants filed applications under Section 33-C(2) of the Industrial Disputes Act,1947 before the Labour Court No. 2, Bombay (for short, "the Labour Court") against the appellants claiming overtime wages for the work claimed to have been done by them in discharge of their duties for the period 1986 to 1990. The appellants on facts and law contested these applications. D

6. By order dated 16.02.1995, the Labour Court dismissed the applications. The respondents felt aggrieved and filed writ petition before the High Court of Judicature at Bombay challenging the order of the Labour Court. E

7. By impugned order, the Single Judge allowed the respondents' writ petition and while setting aside the order of the Labour Court allowed the respondents' applications and granted them the monetary relief claimed therein. It is against this order, the appellants (employers) have felt aggrieved and filed this appeal by way of special leave before this Court. F

8. Having heard the learned counsel for the parties and on perusal of the record of the case, we are inclined to dismiss the appeal on more than one reason mentioned hereinbelow.

9. First, all the respondents (total 17) are now no longer in service and have either retired from the service or died; Second, the amount involved and awarded to the respondents is not very sizable; Third, it relates to the period from 1986-1990; Fourth, the amount, pursuant to the impugned order, was already paid long back to the respondents; and G

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A lastly, as mentioned above, it relates to the overtime work admittedly done by these respondents (employees) while on duty.

10. In view of these five factual reasons, we are not inclined to interfere in the impugned order of the High Court.

B 11. Learned counsel for the appellants (employers), however, argued several legal issues which, according to him, arise in the case. These submissions relate to interpretation of certain provisions of the Bombay Shops and Establishment Act, 1948 and the Factories Act, 1948.

C 12. Keeping in view the five factual reasons set out above which admittedly emerge from the record of the case, we are not inclined to examine the legal questions urged by the learned counsel for the appellants and consider it proper to leave these questions open for our decision on their merits in some other case.

13. In view of the foregoing discussion, the appeal fails and is accordingly dismissed.

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Nidhi Jain

Appeal dismissed.