

# SUPREME COURT OF INDIA

Singareni Collieries Co. Ltd., Kothagudem, A.P.

Vs.

Workmen of Singareni Collieries Co. Ltd.

(S. R. Babu and S.N. Variava JJ.)

05.12.2000

## ORDER

**S. RAJENDRA BABU, J.**

A reference was made to the Industrial Tribunal under Section 7-A read with Sections 30(a), (b) of the Industrial Disputes Act, 1947 in relation to a dispute between the appellant and the respondents. The question referred for adjudication is as follows:

Whether the Management of Singareni Collieries Co. Ltd., P.O. Kothagudem Collieries are justified in not paying charge allowance to Fitters and Electricians? If not, to what relief are the workmen concerned entitled?

2. On this aspect pleadings were filed before the Tribunal and inquiry was held and the Tribunal recorded its findings as follows:

So, this is established that these people are also doing the work similar to that of Mining Sirdars, Over men and Shot Firer. So on the basis of Ex. W. 1 to W. 11 coupled with Ex. M. 14 I hold on the basis of oral evidence and documentary evidence that the Management of Singareni Collieries Company Ltd., is not justified in not giving the charge allowance to Fitters and Electricians and those Fitters and Electricians who are working in Singareni Collieries Company Limited from January 1, 1979 are entitled for the charge allowance as is being paid to Mining Sirdars, Over men and Shot Firers in the Singareni Collieries Company Ltd. as the duties are similar and that involve handing over and taking over charge. Award is passed accordingly.

3. When the matter was carried in a writ petition to the High Court challenging the correctness of the award that writ petition was allowed and the award made by the Tribunal was quashed. The matter was further carried in appeal to the Division Bench of the High Court and the Division Bench stated as follows:

In view of the above, while we have no reason to find any ground to interfere with the order of the learned single Judge, we are persuaded to clarify that Electricians and Fitters shall be entitled for overtime allowance for the period of their stay of days of work after their duty hours for handing over charge to the next incumbent i.e. successor incumbent reporting for duty. The above shall thus govern and the award of the Tribunal shall be deemed to have been substituted by the direction as above. The Management shall accordingly work out the amount of overtime allowance for the

Electricians and Fitters who shall be entitled to withdraw any such amount in deposit to the extent of their entitlement and if not already paid.

4. Considering the fact that the Tribunal reached the conclusions in making the award on the appreciation of oral and documentary evidence adduced before it, there was no reason for the learned single Judge to interfere with the award made by the Industrial Tribunal much less was there any basis for the Division Bench while affirming the view taken by the learned single Judge to clarify in such a manner to destroy the effect thereof. Inasmuch as the grievance made before us is only in relation to the overtime allowance that is sought to be paid in terms of the order made by the Division Bench of the High Court, we think it appropriate to clarify that the award made being on facts should stand affirmed and the order made by the High Court in directing the payment of overtime allowance without any evidence before it was not justified. Therefore, we set aside the order made by the Division Bench of the High Court as well as that of the learned single Judge and hold that the award made by the Tribunal is in order. The appeal is disposed of accordingly.