

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 2509 of 2006

ORDER:

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Heard learned counsel for the petitioners, Government Pleader for Labour and learned Standing counsel for the respondents.

The present writ petition came to be filed seeking issuance of writ of certiorari after calling for the records to restore E.P.No.34 of 1997 on the file of the Industrial Tribunal-cum-Labour Court, Warangal, by setting aside the order passed in SR Inward No.3346 of 2005 and SR Inward No.3347 of 2005, dated 05.12.2005 including the orders dated 29.09.2005 passed in E.P.No.34 of 1997.

The facts in issue would show that some of the petitioners herein filed M.P.No.66 of 1993 before the Industrial Tribunal-cum-Labour Court, Warangal, under Section 33-C(2) of the Industrial Disputes Act, praying the Court to determine the amounts payable to them by the respondents with interest. By an order, dated 13.11.1996, the said application was dismissed. Thereafter, the petitioners herein filed W.P.No.20697 of 1998 questioning the order passed in M.P.No.66/1993. Pending the writ petition, the petitioners also filed E.P.No.34 of 1997 before the Labour Court for implementation of the settlement entered into between the parties under Section 12 (3) of the Industrial Disputes Act. The said E.P. was dismissed on 07.04.1998. Aggrieved by the same, the petitioners herein filed W.P.No.25950 of 1998. Both the writ petitions were heard together and this Court passed the following order:

“On a plain reading of the above provision, it is clear that the Labour Court or the Tribunal has power to execute a settlement as a decree of the Civil Court. Therefore, I am of the considered opinion that the

rejection of the petition in E.P.No.34 of 1997 by the Labour Court on 07.04.1998 does not stand the scrutiny of law. The management has not disputed as to the existence of the settlement as on date. The only contention of the management was that the settlement was not properly made. If it is not properly made, nothing prevented the management from taking proper course of action as available under the law. So far as the settlement is in existence, it is liable to be executed before the Labour Court under Section 11-B of the Act. Therefore, the order dated 07.04.1998, passed by the Labour Court in E.P.No.34 of 1997 is liable to be set aside. Accordingly, the writ petition is allowed to the above extent and the matter is remanded for consideration. Accordingly, W.P.No.20697 of 1998 is dismissed and W.P.No.25950 of 1998 is allowed. No costs.”

Thereafter, on 29.09.2005, E.P.No.34 of 1997 which got restored pursuant to the orders passed in W.P.No. 25950 of 1998, was again dismissed on the ground that the respondent is not in existence due to bifurcation of the A.P.S.E.B. into two wings i.e. APGENCO and APTRANSCO. It was also held that the petitioners have to seek amendment of name of the respondents in the settlement and then only seek their redressal by filing proper E.P.

Subsequent to the orders passed in the year 2005, the petitioners herein filed E.As. seeking review of the order passed in E.P.No.34 of 1997 and also to permit them to take steps for amendment of the E.P. The said E.A.s were rejected on 28.11.2005. Thereafter, two other un-registered E.A.s came to be filed seeking to restore the petitions filed by the petitioners for review of the order and for amendment in E.P.No.34 of 1997. The said applications were rejected on 05.12.2005 due to non-appearance of the petitioners. Challenging the same, the present writ petition is filed.

Learned counsel for the petitioners submits that the petitioners

would be put to great prejudice and hardship if the orders under challenge are not restored and they will be made to suffer huge loss which they are legally entitled to.

Learned counsel for the respondents opposed the same contending that in spite of giving number of opportunities, the petitioners continued to be absent as such they are not entitled to any relief.

Having regard to the circumstances stated above and taking into consideration the order passed by this Court in the earlier round of litigation, the orders dated 05.12.2005 passed in SR Inward No.3346 of 2005 and SR Inward No.3347 of 2005 in E.P.No.34 of 2005 are restored to its file and consequently, the Industrial Tribunal-cum-Labour Court, Warangal, is advised to dispose of the matter on merits after giving notice to all the parties, as expeditiously as possible.

With the above direction, the writ petition is disposed of. No order as to costs. Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

JUSTICE C. PRAVEEN KUMAR

19.11.2015
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