

**THE HON'BLE SRI JUSTICE DILIP B.BHOSALE
AND
THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO**

WRIT APPEAL No.986 of 2007

JUDGMENT: (per Hon'ble Sri Justice Dilip B.Bhosale)

This writ appeal is directed against the order dated 19.09.2007 passed in W.P.No.26827 of 1997 filed by the appellant against the award dated 13.02.1997 passed by the Labour Court in Industrial Dispute No.90/94. Learned single Judge dismissed the writ petition filed by the appellant.

None appears for the respondents.

Mr.S.Ravindranath, learned counsel appearing for the appellant, at the outset, invited our attention to the Award, in particular paragraph 18 (e) thereof, and submitted that it was not necessary for the Management to file writ petition against the Award or the learned Judge ought to have allowed the writ petition in view of the observations made in this paragraph of the Award.

Paragraph 18 (e) reads thus:

“18. In the result petition is partly allowed but without costs and the petitioner is ordered to be reinstated into service as a “Fresher” i.e. as a “Fresh Carpenter”, but would be entitled to backwages of 50% (Fifty percent) from the date of filing of the petition, which is filed on 1-9-1994 onwards and would also be entitled to the recovery of the Suspension Allowance for the period not paid, and subject to compliance with the terms and conditions as follows:

(a)

(b)

(c)

(d)

(e) If he, i.e. petitioner fails to act and fails to approach the respondent in time in the manner as stated above, the petition, i.e. this petition shall be deemed to have been dismissed, and the respondent need not take any cognizance of any representation made by the petitioner, and need not issue Order of Appointment and Posting.

(f)

(g)

Admittedly, the second respondent i.e. petitioner in I.D.No.90/1994 did not approach the appellant within the time stipulated by clause (e) of paragraph 18 of the Award and as a consequence thereof, the petition i.e. I.D.No.90/1994 itself stood dismissed and in view thereof, it was not necessary for the appellant to take cognizance of the letter written by the second respondent from Dubai. We are informed that the second respondent addressed a letter to the appellant from Dubai and sought extension of time, but even thereafter he never reported, as per the Award, to the appellant.

In the circumstances, this appeal deserves to be allowed. Order accordingly. The order of learned single Judge dated 19.09.2007 passed in W.P.No.26827 of 1997 is set aside. There shall be no order as to costs.

Miscellaneous petitions pending in the appeal, if any, also stand disposed of.

Dilip B.Bhosale, J

A.Ramalingeswara Rao, J

27th April, 2015.
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