

HON'BLE SRI JUSTICE S. RAVI KUMAR

WRIT PETITION No.8594 of 2003

ORDER:

This Writ Petition is filed challenging Award dt. 29.06.2001 in I.D.No.52 of 1999 on the file of Industrial Tribunal-cum-Labour Court, Visakhapatnam.

2. The Writ Petitioner was N.M.R in Malaria Wing of Public Health Department in the Visakhapatnam Municipal Corporation, and his services were terminated on 31.10.1992. Then, the Writ Petitioner approached Labour Court challenging the termination contending that he was terminated without issuing any notice and without assigning any reason and that the Orders of the termination are illegal.

3. The Labour Court after examining the issue and considering the evidence produced on behalf of both parties held that except the self serving statement of the Writ Petitioner, there is no material to show that the petitioner worked as NMR in Malaria Wing from 01.01.1991 to 31.10.1992. He has produced one Certificate issued by J.Samba Murthy, Ex-Corporator of 14th Ward. But, the Labour Court did not accept the said document on the ground that it is not duly proved and the petitioner did not examine the said Samba Murthy particularly when the Management contended that the said Samba Murthy was not at all Corporator as on 20.11.1992 for 14th Ward. The Corporation further contended that there was no elected body to the Corporation as on 20th day of November, 1992. When such a contention is taken, the petitioner has not produced any material to prove the genuineness of the Certificate relied on by him. Learned Presiding Officer of the Labour Court has elaborately considered the evidence of MWs. 1 and 2 with reference to Ex. M1 marked on behalf of the Management and came to the conclusion that the petitioner failed to prove that he worked as

NMR from 1.01.1991 to 31.10.1992 and on that ground, the ID was dismissed.

4. It is contended on behalf of the Writ Petitioner that the Labour Court failed to consider EX.W.1 which would clearly show that the petitioner worked as NMR for the above said period on a pay of Rs.795/- per month. But, the contention of learned counsel for Writ Petitioner cannot be accepted because when Management specifically took the plea that the person who issued Ex.W.1 Certificate was not at all Corporator of 14th Ward and there was no elected body as on 20.11.1992 i.e., the date on which Ex.W.1 was issued, burden is on the petitioner to prove the said Certificate.

5. On a careful scrutiny of the material, I am of the considered view that Labour Court has not committed any error in dismissing the ID and there is no illegality committed by the Labour Court in passing 'Nil' Award dt. 29.06.2001.

6. For the above reasons, the Writ Petition is devoid of merits and is liable to be dismissed.

7 . Accordingly, this Writ Petition is dismissed. No costs. Miscellaneous Petitions pending in this writ petition, if any, shall stand closed.

S. RAVI KUMAR, J

Date: 01-12-2015

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Dt.01-12-2015

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