

HONOURABLE SRI JUSTICE S.RAVI KUMAR

WRIT PETITION No.14727 OF 2003

Dated 10-12-2015

Between:

B.Moti.

..Petitioner.

And:

G.Mysaiah and others.

..Respondents.

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HONOURABLE SRI JUSTICE S.RAVI KUMAR

WRIT PETITION No.14727 OF 2003

ORDER:

This writ petition is filed challenging order of the Industrial Tribunal-cum-Labour Court, dated 1-7-2003 in I.A.No.111 of 2003 in I.D.No.184 of 1992.

Petitioner herein preferred I.D.No.184 of 1992 challenging the termination order. Labour Court allowed I.D.No.184 of 1992 and passed an award on 25-3-1994 ordering reinstatement challenging which second respondent herein filed Writ Petition No.20051 of 1994 that writ was allowed and matter was remanded to the Labour Court by order dated 25-6-2002 for fresh adjudication with reference to principle laid down by the Supreme Court in the decision relating to absorption, and permission was given to petitioner to raise such pleas that are necessary even to amend their application. In pursuance of such direction, petitioner filed I.A.No.111 of 2003 seeking permission to amend the claim by including claim for absorption in view of subsequent events. The said application is dismissed on the ground that prayer made through amendment is not in consonance with the

order of this court dated 25-6-2002 in W.P.No.20051 of 1994. Challenging the same, present writ petition is filed.

Advocate for petitioner submitted that subsequent to filing of this writ petition, the petitioner filed another I.A. before Labour court pleading appropriate amendment in accordance with directions given by this court in W.P.No.20051 of 1994 dated 25-6-2002 but the same is not received as there is stay granted by this court in this writ petition. He submitted that this writ petition can be disposed of by directing the Labour Court to receive fresh application for amendment and decide the same on merits afresh.

Advocate for respondent submitted that Labour court rightly dismissed the application No.111 of 2003.

Considering the facts of the case and also considering the fact that petitioner was given liberty to raise all pleas open to her including filing a petition to amend their application in I.D., I feel it appropriate to direct the Labour Court to receive amendment application of the petitioner afresh and decide that application and I.D. in accordance with law not influenced by any of observations made in the earlier I.A.No.111 of 2003.

This writ petition is accordingly disposed of. No costs. Since it is an old matter, Labour Court shall decide the matter as expeditiously as possible on preferential basis.

As a sequel to the disposal of this writ petition, the Miscellaneous Petitions, if any, pending, shall stand dismissed.

JUSTICE

S.RAVI KUMAR

Dated 10-12-2015.

Dvs.

HONOURABLE SRI JUSTICE S.RAVI KUMAR

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