

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF
ANDHRA PRADESH

WRIT PETITION NO.367 OF 2005

Between:

The General Manager, The Singareni
Collieries Co. Ltd.

.. Petitioner

and

Sri Butti Lingaiah and another

.. Respondents

DATE OF JUDGMENT PRONOUNCEMENT
2015

: 17TH JULY,

SUBMITTED FOR APPROVAL:

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THE HON'BLE SRI JUSTICE SANJAY KUMAR

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| 1. | Whether Reporters of Local newspapers
may be allowed to see the judgment? | Yes/No |
| 2. | Whether the copies of judgment may be
marked to Law Reporters/Journals | Yes/No |

3. Whether Their Lordship wish to
see the fair copy of the judgment?

Yes/No

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION NO.367 OF 2005

ORDER

By way of this writ petition, the Singareni Collieries Company Limited, Karimnagar District, called in question the Award dated 12.04.2004 passed by the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad (for brevity, 'the Labour Court'), in LCID No.162 of 2002. By the said Award, the Labour Court directed the petitioner company to pay a sum of Rs.10,000/- to the first respondent workman to meet the ends of justice.

By order dated 20.01.2005, this Court granted interim suspension of the impugned Award.

Despite service of notice, the first respondent workman did not choose to enter appearance before this Court either in person or through counsel.

Perusal of the impugned Award reflects that the first respondent workman was dismissed from service after due and proper enquiry, wherein he was found to have committed theft of the petitioner company's property. The Labour Court having agreed with the finding arrived at by the petitioner company, opined that no case was made out for reinstatement of the first respondent workman by setting aside the order of dismissal passed against him. Having held so, surprisingly, the Labour Court directed the petitioner company to pay a sum of Rs.10,000/- to the first respondent workman to meet the ends of justice as he had put

in service from 1979. Once the order of dismissal from service passed against the first respondent workman was not interfered with, the legal consequences that flow therefrom would disentitle the first respondent workman from claiming any monetary benefits for his past service. Further, the impugned Award does not even reflect any reason as to why the Labour Court granted such relief to the first respondent workman and as to how it quantified the same. In that view of the matter, the direction of the Labour Court cannot be sustained and the impugned Award is set aside.

The writ petition is allowed. Pending miscellaneous petitions shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

17th JULY, 2015

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