

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

WRIT PETITION NO.8554 OF 2005

Between:

Shaik Mahaboob Basha

.. Petitioner

and

The Industrial Tribunal-cum-Labour
Court represented by its Presiding
Officer, Ananthapuram and another

.. Respondents

DATE OF JUDGMENT PRONOUNCEMENT : 06th AUGUST,
2015

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.8554 OF 2005

ORDER

The unsuccessful workman in I.D.No.323 of 2000 on the file of the Industrial Tribunal-cum-Labour Court, Ananthapur, is before this Court aggrieved by the nil Award dated 12.08.2004 passed therein.

The petitioner claimed to have worked as a Casual Khalasi in the service of the Andhra Pradesh State Road Transport Corporation (APSRTC) at its Regional Stores in Kadapa from 1989 to 1993. According to him, his services were terminated orally with effect from 01.01.1993. Alleging that such retrenchment was not in accordance with the due procedure, he filed the subject ID under Section 2A(2) of the Industrial Disputes Act, 1947 (for brevity, 'the Act of 1947').

The APSRTC denied the claim of the petitioner that he had completed 240 days in the one year period prior to his alleged termination from service. According to the APSRTC, some coolies were engaged for lifting of the material for a few days and they were issued temporary identity cards to enable them to enter into the premises. The petitioner was stated to be one such coolie. The APSRTC asserted that it never engaged the services of the petitioner and therefore, the question of his being retrenched did not arise.

The petitioner necessarily had to establish the precondition of having worked for 240 days in the calendar year prior to his alleged termination from service, under Section 25B(2) of the Act of 1947, so as

to claim the protection afforded by the Act of 1947.

In the present case, the petitioner examined himself as W.W.1 and marked in evidence Ex.W.1 identity card. Except for the same, no other evidence was placed on record by him in support of his contention that he fulfilled the conditions of Section 25B(2) of the Act of 1947. As rightly pointed out by the Labour Court, Ex.W.1 identity card did not disclose as to the period for which it was valid and merely indicated the date of its issuance. Except for the self-serving evidence of the petitioner speaking as W.W.1, there was not an iota of material placed before the Labour Court to establish that he had worked for 240 days in the calendar year preceding his alleged termination from service. As the petitioner failed at this preliminary hurdle, the Labour Court rightly held against him and dismissed the ID. This Court finds no grounds to interfere with the well reasoned Award passed by the Labour Court.

The writ petition is devoid of merit and is accordingly dismissed.

Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

SANJAY KUMAR, J

06th AUGUST, 2015

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