

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

WRIT PETITION NO.15817 OF 2005

Between:

The District Malaria Officer,
Nalgonda District

.. Petitioner

and

M. Kanakaiah and another

.. Respondents

DATE OF JUDGMENT PRONOUNCEMENT
2015

: 28th 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 |
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| 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.15817 OF 2005

ORDER

This writ petition was filed calling in question the common Award dated 28.08.2002 in so far as it pertained to I.D.No.134 of 2001 filed by the first respondent workman before the Industrial Tribunal-cum-Labour Court-III, Hyderabad. By the said Award, the Labour Court directed reinstatement in service of the petitioners in the 20 IDs. on daily wage basis with continuity of service but denied them back wages.

It is now stated by Sri P. Raghavender Reddy, learned counsel for the first respondent workman, that his client was reinstated in service pursuant to the impugned Award. He further states that some of the others similarly situated have also been regularized in service.

Perusal of the common Award reflects that there was no dispute as to the petitioners in the IDs., including the first respondent workman, having put in the requisite 240 days of service or more. In the light thereof, they were entitled to the protection of Section 25-B(2) of the Industrial Disputes Act, 1947 (for brevity, 'the Act of 1947'). It was also not in dispute before the Labour Court that the services of the petitioners were retrenched without following the due procedure. In that view of the matter, the Labour Court held that the petitioners in the IDs. were entitled to relief. As regards the contention urged by the State that the Directorate of Medical and Health was not an industry within the meaning of Section 2(j) of the Act of 1947, the Labour Court relied on the earlier Award

passed by it in I.D.No.6 of 1993 to reject the said argument.

Learned Assistant Government Pleader for Medical and Health, State of Telangana, is not in a position to say whether the finding of the Labour Court in I.D.No.6 of 1993 as regards the status of the Directorate of Medical and Health has been set aside. Further, it is a settled position of law that instrumentalities of the State, which otherwise fulfill the requirements, would qualify under Section 2(j) of the Act of 1947 as an 'industry'. This Court therefore finds no ground to interfere with the cogent and well reasoned Award passed by the Labour Court.

The writ petition is devoid of merit and is accordingly dismissed. Pending miscellaneous petitions shall also stand dismissed. No order as to costs.

SANJAY KUMAR, J

28th JULY, 2015

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