

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

WRIT PETITION NO.4617 OF 2002

Between:

Rachamalla Sugunakar

.. Petitioner

and

The District Malaria and Health Officer,
Karimnagar, and others.

.. 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.4617 OF 2002

ORDER

The petitioner filed I.D.No.126 of 1996 before the Industrial Tribunal-cum-Labour Court, Godavarikhani, under Section 2-A(2) of the Industrial Disputes Act, 1947 (for brevity, 'the Act of 1947'), stating that he was retrenched from service without following the due procedure and seeking reinstatement. By Award dated 28.11.2000, the Industrial Tribunal-cum-Labour Court, Godavarikhani, dismissed the I.D. Aggrieved thereby, the petitioner is before this Court.

The Industrial Tribunal-cum-Labour Court held against the petitioner on the sole ground that he was unable to establish that he worked for 240 days within the twelve month period prior to his alleged retrenchment from service. In the affidavit filed in support of this writ petition, the petitioner stated that he could only obtain a service certificate for some part of his service and that the remaining service would be evidenced by the registers of the management. However, no steps were taken by him to summon the relevant records from the management to establish his claim that he worked for more than 240 days in the calendar year preceding his alleged retrenchment, be it before the Industrial Tribunal-cum-Labour Court, Godavarikhani, or before this Court.

The District Malaria Officer, Karimnagar, filed a counter-affidavit reiterating the stand that the petitioner worked for less than 240 days in a year and that his services were engaged only on daily wage basis as per

requirement of work.

No reply affidavit was filed by the petitioner rebutting the aforestated counter-affidavit averments.

On the above analysis, this Court is of the opinion that the petitioner miserably failed to establish the basic requirement of his having worked for 240 days within the calendar year prior to his alleged termination from service, whereby he could claim the protection of the Act of 1947. This Court therefore finds no reason to interfere with the Award passed by the Industrial Tribunal-cum-Labour Court, Godavarikhani.

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

17th JULY, 2015
PGS