

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.930 of 2011

Date :20.7.2016

Between :

Mr.B Mallesh S/o Bayanna
R/o H No 1-42, Pratai Singaram
Ghatkesar mandal
R R District

Petitioner

And

Govt of A P
Rep by its Secretary
Labour, Employment and Training Department,
AP Secretariat, Hyderabad & others

Respondents

The Court made the following:

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ORAL ORDER:

This writ petition is filed praying to grant the following relief:

“.....Issue an order, direction or Writ more particularly one in the nature of Writ of Mandamus or any other appropriate writ (i) declaring the action of the Joint Commissioner of Labour and Deputy Commissioner of Labour, Ranga Reddy District, in entertaining the disputes and disposing of in contravention of the provisions of the Industrial Disputes Act as illegal and arbitrary; (ii) declare that the retrenchment of the petitioner herein by the 4th Respondent Management is in contravention of the Section 25 (N) R/w. Section 25 (F) of Industrial Disputes Act as illegal and arbitrary; and (iii) consequently direct the Respondents to reinstate the petitioner herein into service with all consequential benefits and pass...”

2. Several other workmen working in M/s. United Spirits Limited instituted W.P. No. 13293 of 2010 praying to grant same relief as prayed in this writ petition. Learned single Judge of this Court by order dated 30.9.2013 allowed the claim of the petitioners therein. Aggrieved thereby, the management preferred W.A. No. 1788 of 2013 and a Division Bench of this Court, by judgment dated 1.8.2014 reversed the decision of the learned single Judge. However, liberty was granted to the respondents therein to approach the Labour Court for necessary relief. The Division Bench held as under:

“Even assuming that the workmen made out a case for making a reference under Section 10 (1) of the Act, the maximum that the learned Single Judge could have done was to direct respondent No.49 to refer the dispute to the Labour Court under Section 10 (1) of the Act. It is only when a reference is made and, after adjudication by the Labour Court, it emerges that the workmen were retrenched contrary to law, that the relief of reinstatement could have been granted. Instead, the learned Single Judge has straight away granted the relief of reinstatement into service. The same is beyond the scope of the prayer in the writ petition. Added to that, the High Court cannot take up on itself, the adjudication of the disputes referable under Section 25-F of the Act, as a original authority.”

3. It is not in dispute that prayer sought in this writ petition is same

as in W.P. No. 13293 of 2010 and the petitioner herein is similarly situated to petitioners in said writ petition. Hence, following the judgement of the Division Bench in W A No. 1788 of 2013, this writ petition is dismissed, leaving it open to the petitioner to avail the remedies as available to him under the Industrial Disputes Act. No costs. Having regard to the same, miscellaneous petitions, if any pending, are closed.

P NAVEEN RAO,J

DATE: 20.7.2016
TVK

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