

THE HON'BLE SRI JUSTICE A.V. SESA SAI

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WRIT PETITION No.26316 OF 2010
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ORDER:

This Writ Petition filed under Article 226 of the Constitution of India challenges the award dated 28.05.2010 passed by the Labour Court III, A.P. Hyderabad in I.D.No.221 of 2009.

2. Heard Sri N.Bhupal Reddy, learned standing counsel for A.P.Residential Educational Institutions Society, apart from perusing the material available on record.

3. The respondent/workman approached the Labour Court III, A.P. Hyderabad by filing I.D.No.221 of 2009, assailing the oral order of termination dated 05.05.2008. According to the workman, he was appointed as Attender on daily basis by the first petitioner institution vide proceedings Rc.No.2/A/2005, dated 10.08.2005 and continued as such in service without break upto 04.05.2008 and without notice, the first petitioner institution did not allow the petitioner into service from 05.05.2008 onwards. According to the petitioner, the said action is contrary to the provisions of the Industrial Disputes Act, 1947 (herein after, 'the I.D. Act'). Contending so, the workman approached the Labour Court by way of filing I.D.No.221 of 2009 under Section 2-A(2) of the I.D.Act. Before the Labour Court, the workman examined himself as W.W.1 and nobody was examined on behalf of the petitioners herein and the workman filed Exhibits W1 to W4 and the petitioners herein did not file any documents in support of their case.

4. The Labour Court, basing on the pleadings available on record, framed the following points for consideration:

1. Whether the oral termination of petitioner from service is liable to be set aside, varied or confirmed?
2. Whether the petitioner is entitled for reliefs prayed for?
3. To what result?

5. After considering the material available on record, the Labour Court passed an award dated 28.05.2010, setting aside the oral termination dated 05.05.2008 and directed to reinstate the petitioner into service with continuity of service and to sanction all attendant benefits and to pay back wages.

6. It is the principal contention of the learned counsel for the petitioners that the award passed by the Labour Court is completely devoid of any reasons and contrary to the material available on record.

7. A perusal of the impugned award clearly and categorically discloses that the Labour Court, in a meticulous and thorough manner, had gone through the entire material and found violation of the provisions of Sections 25 (F) and 25 (G) of the I.D.Act. The Labour Court also recorded valid and convincing reasons for arriving at the impugned conclusions.

8. The petitioners herein could not point out any errors of jurisdiction nor failure to exercise jurisdiction by the Labour Court, which are *sine-qua-non* for entertaining the writ petitions of this nature.

9. In view of the above reasons, this Court absolutely does not find any justification in meddling with the impugned award and disturb the findings of the Labour Court, which are supported by valid and cogent reasons.

10. For the aforesaid reasons, writ petition is dismissed. Miscellaneous petitions pending consideration, if any, in the Writ Petition shall stand closed in consequence. No order as to costs.

A.V.SESHA SAI, J

21.01.2016
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