

THE HON'BLE SRI JUSTICE S.V. BHATT

W.P.No.6665 OF 2006

ORDER:

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Heard Sri G.Venkateswara Rao for petitioner-Society,
Government Pleader for Labour and Sri K.Nageswara Reddy for
2nd respondent/workman.

The petitioner-Society, by way of writ of Certiorari, challenges
the Award dated 27.09.2005 of 1st respondent in I.D.No.47 of 1994
and quash the same, as illegal, arbitrary and without jurisdiction.

The 1st respondent passed the following Award:

“In the result, the petition is allowed partly.
The order of termination issued by the respondent
herein in his order dated 23.2.1994 is hereby set
aside. The petitioner is ordered to be reinstated into
service by the respondent within one month from the
date of publication of the Award. He shall be entitled
for continuity of service, attendant benefits and 50%
of backwages and the same shall be paid by the
respondent to the petitioner within the same period of
one month. The reason for not granting the remaining
50% of backwages is due to the reason that already
about 10 years have been lapsed from the time of
termination from service and the petitioner was out of
service may be on the order of termination issued by
the respondent. Award is passed accordingly”.

Learned counsel for the petitioner-Society vehemently contends
that the Tribunal, without deciding the nature of the
work of 2nd respondent, held that the 2nd respondent is a workman on
assumptions and presumptions and the same is liable to be set aside.

Except alleging that proper findings are not recorded,
the petitioner failed to point out how the said contention is established.
To appreciate the controversy between the parties and conclusions
arrived at by the Tribunal, with the assistance of the learned counsel
appearing for the petitioner, I have carefully gone through the order

dated 27.09.2005. A bare reading of the impugned order discloses that the 1st respondent had come to the conclusion that the 2nd respondent is a workman within the meaning of Section 2(S) of the Industrial Disputes Act, 1947. Having regard to the totality of circumstances, I am satisfied that the Award under challenge does not warrant interference from this Court.

In my considered view, the 1st respondent had arrived at a just fact and awarded just relief in the facts and circumstances of this case. I do not see any illegality or error apparent on the face of the record to interfere with the order impugned in the writ petition.

The writ petition fails and is accordingly dismissed. There shall be no order as to costs.

Consequently, miscellaneous petitions, if any pending, also stand disposed of.

S.V.BHATT,

J

Date:18.08.2016

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