

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

WRIT PETITION No.3730 OF 2001

ORDER:

This writ petition, filed under Article 226 of the Constitution of India, challenges the award dated 26.02.1999 passed by the Labour Court – III, Hyderabad, in I.D.No.31 of 1996, dated 26.02.1999.

2. When the matter is called, it is represented by the learned counsel appearing for the petitioner that the issue in the present writ petition is squarely covered by the common order of this Court in W.P.Nos.5774 and batch, dated 25.11.2010 and a copy of the same is also placed on record.

3. In fact, the Industrial Tribunal passed a common award in I.D.Nos.31 to 35 of 1996. A perusal of the common order placed on record by the learned counsel shows that the above writ petitions were filed against the award passed in I.D.Nos.32 to 35 of 1996. The operative portion of the said order at paragraph Nos.9 to 11 read as under:

“9. Therefore, the fact remains that the workmen were working even before the date of passing of the award on 26.2.1999. When the workmen were already continuing in service, the question of granting reinstatement does not arise and as per the submissions of the counsel for the writ petitioners, the workmen were paid the 12 per cent back wages and the workmen also did not file any writ petition aggrieved by the impugned award. Hence, in these circumstances, I am of the considered view that the order of reinstatement granted by the Labour Court needs to be set aside, since the workmen were already in service.

10. For the foregoing reasons, the impugned award to the extent of granting reinstatement, is set aside, since the workmen were already working and are in service as on the date of passing of the award, and the rest of the

award with regard to back wages and continuity of service is confirmed.

11. The writ petitions are accordingly disposed of. No costs."

4. Following the above said common order and for the reasons recorded therein, this Writ Petition is also disposed of in terms of the said common order.

5. 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

21.07.2016

SS

Note: Copy of the order in W.P.No.5774 of 2001 and batch, dated 25.11.2010, shall be annexed.

B/o. SS