

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION No.18663 of 2015

ORDER:

The first respondent was appointed as voluntary casual worker at Boipalli Mine and later on he was appointed as Tyndal. While working as Tyndal, a charge sheet was issued to him on 24.03.2003, which ended his dismissal from service with effect from 06.10.2003. He challenged the same in ID No.62 of 2004 and an award was passed on 12.04.2005 directing the respondent therein to take him into service as a fresh candidate subject to his medical fitness. The said award was challenged by the petitioner in WP No.19957 of 2005 and an application seeking stay of the said award was dismissed on 19.09.2005. In view of the dismissal of the stay petition, the petitioner passed an order on 02.03.2006, reinstating the 1st respondent herein into service, but the 1st respondent did not join duty. A final opportunity was given to the 1st respondent on 25.10.2006 to join duty on or before 30.11.2006. The 1st respondent filed EP No.2 of 2010 and an order was passed on 08.08.2011 directing the petitioner herein to pay current full wages to the post for which the 1st respondent was reinstated and in case of failure, the 1st respondent was held to be entitled for the wages with interest at 6% per annum from the date of reinstatement order on 04.11.2006 till the date of realization. WP MP No.10995 of 2012 was filed for setting aside the order and this court passed an order on 21.11.2012 granting stay of all further proceedings and ultimately, the writ petition was allowed on 04.02.2012 setting aside the award passed by the Industrial Tribunal and restoring the order of termination. The 1st respondent herein preferred WA No.1301 of 2014 and the writ appeal was allowed and the stay order was amended on 19.01.2015 holding that the respondents 1 to 3 shall be under an obligation to comply with Section 17-B as directed by the

learned single Judge of this court in the pending WP No.19957 of 2005. The 1st respondent filed EA No.10 of 2015 seeking payment of amount of Rs.14,37,500/- at the rate of Rs.12,500/- per month, which is the last drawn wage of the 1st respondent herein, which is calculated from 01.07.2005 to 31.01.2015. The Industrial Tribunal passed the following order on 08.06.2015.

“Respondent seeks time to argue the case. Already order was passed in EP 2/2010 on 08.08.2011 to deposit 17-B wages for a particular period. This order was passed on merits. Hence, respondents to comply with the order dt.8.8.2011. Call on 22.06.2015.”

Challenging the same, the present writ petition was filed.

2. A reading of the above award makes it clear that the respondent wanted time to argue the case. The docket order was passed directing compliance with the order dt.08.08.2011 in EP No.2 of 2010 in the application filed by the 1st respondent in EA No.10 of 2015.

3. Learned counsel for the 1st respondent states that EA No.10 of 2015 was filed for compliance with the said order. Even assuming that the petitioner herein has not complied with the order dated 08.08.2011 in EP No.2 of 2010, the Industrial Tribunal should have passed a reasoned order in appropriate proceedings, but not by way of an interim order in EA No.10 of 2015. This court is not satisfied with the docket order dated 08.06.2015 passed while EA No.10 of 2015 is pending.

4. In the circumstances, the impugned order dated 08.06.2015 passed in EA No.10 of 2015 is set aside and the matter is remanded to the 2nd respondent for consideration of the application in EA No.10 of 2015 afresh after giving due opportunity to the petitioner and the 1st respondent and dispose of the same in accordance with law, within a

period of three weeks from the date of receipt of a copy of this order.

5. The writ petition is, accordingly, disposed of. No order as to costs. Pending miscellaneous petitions, if any, in this writ petition shall stand dismissed in consequence.

A.
Date: 18.08.2016
BSS

RAMALINGESWARA RAO, J

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HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

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