

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

W.P.No.786 of 2016

ORDER

This Writ Petition is filed challenging the order of the 2nd respondent dated 30.09.2015 passed in I.D.No.7 (21) 2015 as confirmed in the review order dated 11.12.2015 in Rc.No.VSEZ/DC(L)/I.D.No.7 21)/2015/4475.

This Court by order dated 7.1.2016 granted interim suspension of the said order.

Now, a petition to vacate the said order is filed in WVMP No.2675 of 2016.

The order impugned in the writ petition was passed at the instance of the writ petitioner, who filed an application before the 2nd respondent seeking permission for retrenchment of workmen.

Learned Senior Counsel appearing for the writ petitioner submits that no permission is required under the provisions of the Industrial Disputes Act, 1947 and the application was wrongly filed by the petitioner. He also drew the attention of this Court to the order dated 11.12.2015 passed in the review by the second respondent, wherein he stated that it is not necessary for the management

to apply permission for retrenchment to the specified authority if the strength of workmen was below 300.

Learned counsel appearing for the vacate stay petitioners submits that the application filed by the writ petitioner was maintainable when it was filed and that the writ petitioner should not be allowed to withdraw the application after inviting an order and that in view of the request made by the writ petitioner before the authority, the present plea cannot be entertained.

Since the order impugned was passed on the mistaken application of the writ petitioner, the petitioner is permitted to withdraw the application.

Hence, the impugned order and the order in review also should go along with the withdrawal of the application.

The impugned orders dated 30.9.2015 and 11.12.2015 are set aside. It is open to the parties to work out their remedies in accordance with law consequent to the disposal of the present writ petition as aforesaid.

Writ Petition, is accordingly, disposed of. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE A.RAMALINGESWARA RAO

25th July, 2016

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