

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 5527 of 2001

ORDER:

This writ petition is filed by the petitioner seeking to issue a writ of mandamus declaring the award dated 24.01.2000 passed in I.D.No.41 of 1996 by the 2nd respondent-Tribunal, as illegal and arbitrary.

2. Heard Sri R.S. Murthy, learned Counsel for the petitioner and Sri C. Suryanarayana, learned Counsel for the 1st respondent.

3. It has been submitted by the learned Counsel for the petitioner that the 1st respondent was engaged for very limited period during the years 1983-85 and as the nature of work rendered by the 1st Respondent was on day-to-day basis, the question of continuation of such workers, after work had been accomplished, would not arise at all, and so, the 1st respondent was disengaged, and challenging the disengagement, the 1st Respondent preferred the I.D., and the Tribunal after considering the entire evidence passed the award, directing the petitioner-department to reinstate the 1st Respondent into service, but without any back-wages, while holding that the 1st respondent herein is entitled for wages from 01.02.2000 irrespective of when he is reinstated in service, and challenging the said award, the present writ petition is filed by the department.

4. At the time of admission, this Court passed interim order suspending the award impugned subject to compliance of Section 17-B of the Industrial Disputes Act. It is brought to the notice of this Court

that in compliance with the said direction, the 1st respondent is being paid 17-B wages till today.

5. When the matter is taken up today, the learned Counsel for the petitioner submits that the management is willing to pay compensation in lieu of reinstatement of the 1st respondent and therefore, award of the Tribunal may be modified.

6. The learned Counsel for the 1st respondent submits that there is work in the management and that the management can reinstate the 1st respondent into service and the petitioner has a long service ahead of him and therefore, the 1st respondent should be reinstated into service.

7. It has been brought to the notice of this Court that nearly an amount of Rs.2.5 lakhs was paid to the 1st respondent as wages for all these 17 years and the ends of justice would be met if an amount of Rs.2.75 lakhs is ordered to be paid as compensation in lieu of reinstatement of the 1st respondent.

8. Having considered the above submissions made by the parties, the petitioner is directed to pay an amount of Rs.2,75,000/- (Rupees Two Lakhs Seventy Five Thousand only) to the 1st respondent as compensation in lieu of reinstatement, within a period of six weeks from the date of receipt of a copy of this order.

9. With the above direction, the Writ Petition is disposed of. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

Abhinand Kumar Shavili, J

December 27, 2017
Kv

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