

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.22148 OF 2001

ORDER

Heard Ms V.Uma Devi, learned counsel appearing for the petitioners and learned Government Pleader for Labour appearing for the 1st respondent.

This writ petition is filed seeking to issue a writ of Certiorari relating to and connected with the orders passed in M.P.No.26 of 1999, dated 22.03.2001 by the Industrial Tribunal-cum-Labour Court, Visakhapatnam, and quash the same as arbitrary and illegal.

It is the case of the petitioner-Visakhapatnam Port Trust that the 2nd respondent, who is its employee, had filed M.P.No.26 of 1999 under Section 33-C (2) of Industrial Disputes Act, 1947 and claimed certain amounts towards medical reimbursement.

It is the case of the 2nd respondent that since he is an employee of Visakhapatnam Port Trust, it is obligated to extend medical facilities not only to its employees but also to the dependants.

The Tribunal had considered the entire case and passed an order on 22.3.2001 by holding that the 2nd respondent is entitled to an amount of Rs.25,000/- together with interest at 12% p.a. and directed that the petitioner-Management to consider the bill amount of Rs.3,180.70 ps submitted by the 2nd respondent. Challenging the said order, the present writ petition is filed.

Learned counsel appearing for the petitioners submits that Labour Court erred in passing the said order and that the petitioner- Management is not obligated to pay the medical bills to the dependants of the workman and that the order impugned passed by the Tribunal is liable to be set aside.

On 1.5.2009, this Court passed the following order:

“The petitioner is granted two weeks time for payment of batta with petition and correct address for service of notice on respondent No.2, in default, the writ petition shall stand dismissed against respondent No.2 without further reference to this Court.”

Since the petitioner-Management has not complied with the said order, this writ petition stands automatically dismissed against the 2nd respondent-workman.

When this was pointed out by this Court, learned counsel for the petitioners sought time to file an appropriate application seeking restoration of the writ petition against the 2nd respondent and accordingly, WPMP No.53154 of 2017 is filed, the same is ordered and the writ petition is restored against the 2nd respondent.

However, when it comes to the merits of the case, the petitioner-Management could not point out any grave irregularity in the order passed by the Tribunal. The Tribunal has considered all the aspects of the case and held that the 2nd respondent-workman is entitled to an amount of Rs.25,000/- as per the policy of the Visakhapatnam Port Trust. When the impugned order passed by the Tribunal is a reasoned order, no interference is required by this Court.

I have considered the entire material on the record. As no irregularity has been pointed out by the petitioner-

management, the impugned order dated 22.3.2001 needs no interference.

Accordingly, the writ petition is devoid of merits and accordingly, it is dismissed. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

19th December, 2017
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