

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 6705 of 2003

ORDER:

This writ petition is filed, under Article 226 of the Constitution of India, by the petitioner corporation, seeking a writ of certiorari to call for the record in I.D.No.143 of 1996 on the file of the Labour Court, Guntur, and set aside the order dated 15.10.2001 passed therein.

2. Heard Sri P. Durga Prasad, learned standing counsel for A. P. State Road Transport Corporation, appearing for the petitioners.

3. It is submitted by the learned standing counsel for the petitioner corporation that the respondent workman was initially appointed as Man-Mazdoor through a contractor for execution of work at Ongole Division from 01.03.1987 to 30.06.1988 and payment was also made to the contractor. Since the respondent workman was not attending duty from 31.12.1988, he was terminated from service. While things stood thus, the petitioner corporation had taken a policy decision for absorption of eligible candidates for appointment to the posts of driver and conductor from among the persons engaged in Civil Engineering Department through contractors and the persons who have worked for more than 240 days as on 22.08.1991 and who are still continuing to work with the contractor shall only be considered for appointment and issued a circular to that effect. Interviews were conducted on

26.03.1993. As the respondent workmen did not possess the requisite qualifications to the post of either conductor or driver and he was not in service as on 22.08.1991, his case was not considered. Aggrieved thereby, the respondent workman raised a dispute before the Labour Court, Guntur, in I.D.No.143 of 1996 after eight years of his disengagement from service. The Labour Court passed an award dated 15.10.2001 by setting aside the order of termination of the respondent workman and directing the petitioner corporation to reinstate him into service with continuity of service, but without back wages. Questioning the said award, the petitioner corporation filed the present writ petition.

4. During the course of arguments, it is brought to the notice of this Court by the learned standing counsel for the petitioner corporation that the respondent workman was reinstated into service and he is continuing in service. Therefore, the issue to be decided now is whether the respondent workman is entitled for continuity of service. The Labour Court had considered the entire evidence on record and rightly passed the award impugned in the writ petition. The petitioner corporation could not point out any illegality or perversity in the award passed by the Labour Court. In view of the same and as the Labour Court gave concurrent findings, I do not see any reason to interfere with the impugned award. Accordingly, the Writ Petition is dismissed.

Consequently, miscellaneous petitions if any pending in the writ petition shall also stand dismissed. There shall be no order as to costs.

ABHINAND KUMAR SHAVILI, J

19th December, 2017
cbs



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WRIT PETITION No. 6705 of 2003
(dismissed)

19th December, 2017

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