

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.18142 of 2001

ORDER

This Writ Petition is filed seeking a Writ of certiorari, to call for the records relating to the award passed by the Labour Court in I.D.No.130/1996, dated 02.04.1996 on the file of the Presiding Officer, Labour Court, Guntur and quash the same to the extent of denying the back wages to the petitioner and direct the respondents to grant back wages from 30.08.1996 to 14.11.1999.

2. Heard Sri M.Dilip Rao, learned counsel for the petitioner, and Sri N.Rajeswer Rao, learned Counsel for the respondents.

3. It has been submitted by the learned counsel for the petitioner that the petitioner was removed from service on 30.08.1976 and he has challenged the said termination order by filing I.D. No. 130/1990 under section 2-A (2) of Industrial Disputes Act. The 1st respondent, after considering the entire evidence and facts of the case, passed an award on 02.04.1996, wherein, the respondents are directed to reinstate the petitioner into service with continuity of service, however, denied back wages.

4. The counsel for the petitioner cited a judgment in M.M. Baig vs A.P.S.R.T. Corporation¹, contending that there is no period of limitation for filing ID and when the 1st respondent Labour Court had set aside orders of removal and directed that the petitioner be reinstated into service, then the back wages should be paid automatically, and therefore, the Labour Court erred in not directing reinstatement of the petitioner with back wages.

5. The counsel for the respondent contends that the petitioner approached the Labour Court after 14 years and that the Labour Court rightly denied back wages and therefore, no interference is called for as the Labour Court has rightly passed the award.

¹ 1994 (2) ALT 575

6. I have considered the rival submissions made by both parties. I don't find any illegality in the award passed by the Labour Court and the Labour Court has rightly denied back wages to the petitioner, since the petitioner has approached the Labour Court after 14 years from the date of termination. Therefore, Writ Petition is dismissed. There shall be no orders as to costs.

7. The miscellaneous petitions pending, if any, shall stand closed.

ABHINAND KUMAR SHAVILI,J

19th December, 2017

JR

