

HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

WRIT PETITION No. 5912 of 2003

ORDER:

This writ petition is filed challenging the order dated 09.01.2003 passed in M.P.No.27 of 2002 by the Industrial Tribunal-cum-Labour Court, Visakhapatnam, whereunder the tribunal allowed the MP revising the subsistence allowance to 75% with effect from 01.08.2001.

2. The facts would show, the respondent was placed under suspension. He filed MP No.27 of 2002 on the file of the Industrial Tribunal-cum-Labour Court, Visakhapatnam against the petitioners under section 33(c)(2) of the Industrial Disputes Act seeking to enhance the subsistence allowance from 50% to 75% with effect from 15.09.2001. The petitioners filed counter and the MP was posted for enquiry. When the matter was pending, the respondent filed IA No.8 of 2003 in MP No.27 of 2002 seeking for a direction to extend the benefit of revised subsistence allowance, which was extended to others, who are similarly situated. The counsel appearing for the petitioners conceded the prayer and reported no objection for the same. Consequently, the tribunal passed the final order in MP No.27 of 2002 allowing the revised subsistence allowance to 75% with effect from 15.09.2001. Questioning the same, the present writ petition is filed.

3. When the matter came up for hearing today, there is no representation on behalf of the writ petitioners. The writ petition is of the year 2003. As noted supra, it is a case relating to granting of subsistence allowance to the respondent pending enquiry. It appears that the tribunal passed the impugned order on the consent given by the counsel for the petitioner before the tribunal. In the circumstances, there are no merits in the writ petition and the same is liable to be dismissed.

4. Accordingly, the writ petition is dismissed. No costs. Miscellaneous Petitions, if any, pending in this Writ Petition shall stand dismissed.

UDPR, J