

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.19229 OF 2000

ORDER:

1. This writ petition is filed seeking to issue a Writ of Certiorari calling for the records relating to and connected with the award dated 18.8.1999 in I.T.I.D.(C) No.12 of 1996 on the file of the 1<sup>st</sup> respondent, and to quash the same.

2. Heard Ms. V. Uma Devi, learned Counsel for the petitioner and the learned Government Pleader for Labour.

3. It has been submitted by the learned Counsel for the petitioner that 24 daily labourer through union i.e., the 2<sup>nd</sup> respondent raised a dispute before the Conciliation Officer on the question as to whether 24 daily labourer, who had completed 240 days, are entitled for regularization in terms of policy of the petitioner or not, and after conciliation proceedings, the Conciliation Officer submitted a failure report, and then, the appropriate Government referred the dispute under Section 10(1)(d) of the Industrial Disputes Act to the 1<sup>st</sup> respondent for adjudication and that the 1<sup>st</sup> respondent passed the award on 18.8.1999 in I.T.I.D.(C ) No.12 of 1996 holding that 24 casual labourer are entitled to financial benefits by way of regularisation of service from the date of reference, and aggrieved by the said award, the petitioner-management filed this writ petition. Further, it is submitted by the learned Counsel for the petitioner that even before reference, the services of 15 casual labourer were regularized and the services of the remaining seven (7) casual labourer were also regularized during June, 1997, and insofar as the remaining two casual labourer are

concerned, their cases were rejected on the ground that they are not entitled for regularisation.

4. The only issue which remains to be considered is whether the services of the casual labourer were regularized from the date of reference or not. A notice had been sent to the 2<sup>nd</sup> respondent at the time of admission. Again, notice was taken up by the learned Counsel for the petitioner on 21.11.2017 so to enable the 2<sup>nd</sup> respondent to contest the matter. The 2<sup>nd</sup> respondent did not make any appearance.

5. As per the submission made by the learned Counsel for the petitioner, the services of 15 casual labourer were regularized prior to the date of reference, and subsequently, the services of 7 labourer were regularized, and the remaining two casual labourer are not entitled for regularization.

6. Recording the statement of the learned Counsel for the petitioner that the services of 22 casual labourer have been regularized even before passing of the award by the 1<sup>st</sup> respondent, and the case of the other two casual labourer was rejected as they did not come within the zone of consideration, the Writ Petition is disposed of. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

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(ABHINAND KUMAR SHAVILI,J)

19<sup>th</sup> December, 2017  
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19.12.2017

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