

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.23524 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 7.8.2000 passed in I.D.No.77 of 1996 on the file of the 2nd respondent-Labour Court, and set aside the same by holding it as arbitrary and illegal.
2. Heard the learned Government Pleader for Agriculture and Co-operation and Sri A.K. Jaya Prakash Rao, learned Counsel for the 1st respondent-workman.
3. It has been submitted by the learned Government Pleader that the service rules of the respondent-workman are governed by the A.P. State and Subordinate Rules and the respondent-workman is entitled to continue upto the age of 58 years but not upto 60 years and when the petitioners issued orders retiring the respondent-workman at the age of 58 years, the respondent-workman approached the 2nd respondent-Labour Court by filing I.D.No.77 of 1996, and the 2nd respondent-Labour Court allowed the I.D. erroneously and directed that the respondent-workman should be continued upto the age of 60 years. The learned Government Pleader contends that the 2nd respondent-Labour Court has no jurisdiction to entertain the dispute and more so, under Section 2 A (2) of the I.D. Act when the services of the respondent-workman were not terminated, the question of entertaining the application by the Labour Court would not arise.
4. The learned Counsel for the 1st respondent-workman submits that the respondent-workman worked as Machanic Grade I and he is entitled to approach the Labour Court and that the Labour Court has rightly passed the award to the effect that the workman is entitled to be continued in

service upto the age of 60 years, and that the notice of retirement issued by the petitioners retiring the workman prior to completion of 60 years amounts to termination and that the workman had rightly approached the 2nd respondent and that the 2nd respondent had rightly passed the award to the effect that the workman is entitled to be continued in service upto the age of 60 years.

5. Considering the rival submissions made by the parties, this Court is of the view that the Labour Court has rightly passed the award holding that the workman is entitled to be continued upto the age of 60 years and he is entitled for full pensionary benefits upto the age of 60 years. The petitioners have not pointed out any illegality in the award passed by the Labour Court. Except contending that the petitioner is an agricultural department and the service rules of employees of agricultural department are governed by the State and Subordinate service Rules, no other material was placed before this Court to show how the award passed by the Labour Court is illegal and arbitrary. The workmen working in the Government sectors, in Industrial Establishments or any allied sectors are entitled to pursue their remedies under the Industrial Disputes Act, and the workmen working in many categories in the Government Departments are also declared as workmen for the purpose of industrial disputes. I do not find any illegality in the award passed by the Labour Court and accordingly, the award passed by the 2nd respondent in I.D.No.77 of 1996, dated 7.8.2000 is confirmed.

6. Accordingly, the Writ Petition is dismissed. No costs. Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

(ABHINAND KUMAR SHAVILI, J)

21st December, 2017
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