

THE HON' BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.2599 of 1999

ORDER:

This writ petition is filed seeking to issue a writ of Mandamus declaring award, dated 28.09.1998, passed in I.D. No.33 of 1998 by the Industrial Tribunal-II, Hyderabad, as arbitrary and illegal.

2. Heard Sri R.S. Murthy, learned counsel for the petitioner and Sri P. Bhaskar, learned counsel for the 1st respondent.

3. I.D. No.33 of 1998 was entertained based upon a reference made under Section 10 (1) (d) of the Industrial Disputes Act, by the Appropriate Government to the effect that whether the petitioner was justified in terminating the services of the 1st respondent. The 1st respondent was appointed as a casual Typist on 04.11.1991 by the Management and her services were terminated. The Industrial Tribunal, upon adjudicating the case, has passed an award directing the Management to reinstate the petitioner into service. Challenging the said award, the present writ petition is filed.

4. Learned counsel for the petitioner submits that there is no scope for reinstatement of the 1st respondent as there is no work with the Management and that the Management is willing to pay compensation of Rs.1,00,000/- in lieu of reinstatement. He further submits that in similar circumstances, a Division Bench of this Court in W.A. No.2212 of 2005 dated 28.08.2014 had granted a compensation of Rs.1,00,000/- to the workman in lieu of reinstatement and following the said judgment, the present writ petition may also be disposed of.

5. In view the above submissions and by following the judgment, dated 28.08.2014, passed by a Division Bench of this Court in W.A. No.2212 of 2005 this writ petition is disposed of directing the petitioner to pay a sum of Rs.1,00,000/- (Rupees one lakh only) to the 1st respondent as compensation in lieu of reinstatement in pursuance to the Award, dated 28.09.1998, passed in I.D. No.33 of 1998.

6. As a sequel thereto, miscellaneous petitions, if any, pending shall stand dismissed.

ABHINAND KUMAR SHAVILI, J

December 07, 2017
KTL

