

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.15298 OF 2000

ORDER:

1. This Writ Petition is filed seeking to issue a writ of certiorari declaring the impugned award No.264/1994, dated 28.2.2000 passed by the 1st respondent as arbitrary and illegal.

2. Heard the learned Government Pleader for Panchayatraj and Rural Development and Sri Ghanta Rama Rao, learned Counsel for the 2nd respondent.

3. It is the case of the 2nd respondent-workman that he was employed as a Gangman by the petitioner herein on 26.3.1987 and he discharged his duties upto 3.6.1993 and thereafter, he was terminated orally, and challenging the same, he filed the above I.D. before the 1st respondent, who by award dated 28.2.2000 set aside the oral termination of the services of the 2nd respondent while directing the petitioner herein to reinstate the 2nd respondent into service with full backwages and continuity of service, and aggrieved by the same, the petitioner-management filed this writ petition.

4. It has been contended by the learned Government Pleader that the 2nd respondent was engaged to attend the road repairs and that as the work was accomplished and as the nature of the work entrusted to the 2nd respondent is not a continuous one, the services of the 2nd respondent were disengaged and that there is no possibility to take the services of the petitioner. It has been further contended that in respect of laying of roads, the petitioner would not do the works on its own and that the petitioner is entrusting the work of laying roads to the private contractors and that the 2nd respondent was never appointed on regular basis, and therefore, the

question of continuing the 2nd respondent-workman in service would not arise.

5. The learned Counsel appearing for the 2nd respondent-workman submits that the workman worked continuously for 240 days and that an officer of the petitioner admitted before the Labour Court that the nature of work is perennial in nature and that the respondent-workman was continued in service upto 4.6.1993. It has been further contended that wages under Section 17-B of the I.D. Act are being paid regularly to the 2nd respondent-workman.

6. I have considered the rival submissions made by the parties. The Labour Court had rightly come to a conclusion that the nature of work is perennial in nature and that the petitioner had terminated the services of the 2nd respondent-workman without following 25 (F) of the Industrial Disputes Act. Accordingly, the Labour Court has passed the award by setting aside the oral termination of the services of the 2nd respondent-workman on 3.6.1993, while directing the petitioner herein to reinstate the 2nd respondent-workman into service with full backwages and continuity of service. The Labour Court after appreciating the entire evidence came to a right conclusion that the 2nd respondent-workman is entitled for reinstatement with continuity of service and backwages. I do not see any illegality in the award passed by the Labour Court. The writ petition is devoid of merits.

7. 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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THE HON'BLE Mr. ABHINAND KUMAR SHAVILI



21st December, 2017

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