

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 16027 of 2001

ORDER:

This writ petition is filed, under Article 226 of the Constitution of India, by the petitioner company, seeking a writ of certiorari to call for the record in I.D.No.30 of 2000 on the file of the Industrial Tribunal-II, Hyderabad, 1st respondent herein, and quash the award dated 03.04.2001 passed therein.

2. Heard Sri M.A.K. Mukheed, learned counsel for the petitioner, and Sri B.G. Ravinder Reddy, learned counsel for the 2nd respondent workman.

3. Briefly, the case of the petitioner company is that the 2nd respondent workman was engaged as Tradesman-A in their company on 13.08.1977. He was issued a charge memo dated 16.03.1992 for the misconduct of unauthorized absence for 43 days i.e., from 01.07.1991 to 31.12.1991, for which he submitted explanation. Thereafter, the petitioner company appointed an Enquiry Officer to conduct an enquiry into the matter. Basing on the report of the Enquiry Officer, the petitioner company passed an order of termination of the workman from service vide orders dated 24.04.1993. Challenging the same, the workman filed I.D.No.30 of 2000 on the file of the Industrial Tribunal-II, Hyderabad. The Tribunal, by an order dated 03.04.2001, allowed the I.D., directing the

petitioner company to reinstate the workman into service with 50% back wages and continuity of service. Aggrieved by the same, the petitioner company filed the present writ petition.

4. Both the learned counsel admit that as per the interim orders of this Court dated 03.08.2001 in W.P.M.P.No.20054 of 2001, the workman was paid wages in compliance with Section 17-B of the Industrial Disputes Act, till he retired from service on attaining the age of superannuation in the year 2012.

5. It is brought to the notice of this Court that on a vacate stay petition filed by the workman in W.V.M.P.No.2384 of 2001, the interim orders dated 03.08.2001 were modified to the effect that there shall be a further direction to the petitioner company to deposit 50% of the back wages within a period of six weeks, and on such deposit being made, the workman is permitted to withdraw the same without furnishing any security, by an order dated 31.10.2001.

6. Questioning the order dated 31.10.2001 in W.V.M.P.No.2384 of 2001, the petitioner company filed W.A.No.1935 of 2001. The said appeal was disposed by a Division Bench of this Court on 23.01.2001 directing the petitioner company to deposit the amount as directed by the Tribunal within a period of eight weeks, and on such deposit, it would be open to the 2nd respondent to withdraw half of the said deposit without furnishing any security. It is also directed that the balance amount shall lie to the credit of the I.D. and the deposit and

withdrawal of the amount would, however, be subject to the final result in the writ petition.

7. Learned counsel for the workman submits that in compliance with the orders passed by the Division Bench of this Court in W.A.No.1935 of 2001 dated 23.01.2001, the workman has already withdrawn 25% of the back wages deposited by the petitioner company, and the workman is willing to forego the balance 25% of the back wages, in order to give a quietus to this litigation.

8. It is also reported by the learned counsel for the petitioner company that the petitioner company has become a sick unit, that it is referred to the Board for Industrial and Financial Reconstruction in the year 2002 itself and all the employees have been offered a scheme for giving voluntary retirement, and that virtually, the petitioner company was closed.

9. In the above facts and circumstances of the case, I am of the opinion that there is no lis in the present writ petition to be adjudicated. Therefore, nothing survives in the writ petition and, accordingly, it is dismissed as infructuous. In view of the dismissal of the writ petition, it is always open for the respondent workman to pursue his remedy for any left over dues from the petitioner company, to which he is entitled as per the award of the Tribunal.

Consequently, miscellaneous petitions if any pending in the writ petition shall also stand dismissed. There shall be no order as to costs.

ABHINAND KUMAR SHAVILI, J

13th December, 2017
cbs



HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI



WRIT PETITION No. 16027 of 2001
(dismissed as infructuous)

13th December, 2017

cbs