

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.22693 OF 2000

ORDER:

1. This writ petition is filed by the petitioner seeking to issue a writ of Certiorari calling for the records relating to and connected with the award dated 15.11.1999 in I.D.No.35 of 1998 on the file of the 1st respondent, and to set aside the same.
2. Heard both sides.
3. The petitioner is the management of the Singareni Collieries Company Limited, Kothagudem. The 2nd respondent is the S.C. Workers' Union represented by its Secretary. It appears that the Union raised a dispute before the Conciliation Officer, who in turn referred the matter to the Government for considering the same for being referred to the Industrial Tribunal (Central), and after considering the dispute, the Central Government referred the matter to the 1st respondent under Section 10(1)(d) of the Industrial Disputes Act, 1947, for adjudication of the following issue:

“S/Sh. Thokala Shankaraiah, Padala Ramachander, Chettavani Gattaiah, Gadapa Shankar, Rasamalla Gouraiah, Kommurajula Durgaiah, Satlapalli Komariah, Gariganti Mallaiah, T. Hanumantha Rao, Revilli Odelu, Ankala Posham, Vara Laxmaiah, S. Durgaiah, K. Posham and S. Sadashiv, Air Shaft Mazdoors Category I, acting on Category IV in Air Shaft Godavari Khani-7, LEP Ramagundam Division I of M/s. Singareni Collieries Company Limited, Godavarikhani since 1994 whether eligible for confirmation in Category IV or not ? If not, to what relief they are entitled?”

It is the claim of the 2nd respondent that 15 workers in the reference are entitled to be promoted from Category I to Category IV from 1.3.1994

with consequential benefits. After considering the evidence on record, the 1st respondent passed the award impugned holding that 15 Air Shaft Mazdoors referred in the reference are eligible for confirmation in Category IV from 1.4.1994. Aggrieved by the same, the petitioner-Management filed this writ petition.

4. The learned Counsel for the petitioner submitted that the dispute raised in the present Award is similar to the dispute raised in the earlier Award passed in I.D.No.208 of 1994 and that the parties in both the cases pertain to General Mazdoors, who have to be confirmed as AIR Shaft Mazdoors Category IV, which designation is not available in the petitioner-company, and that writ petition No.35265 of 1997, which was filed against the award in I.D.No.208 of 1994 was dismissed and against the same, an appeal was filed and the same is pending. He further submitted that the issue involved in W.P.No.35265 of 1997 and the present writ petition is one and the same.

5. Since it is submitted that similar Industrial Dispute, which was challenged in W.P.No.35265 of 1997 was confirmed by this Court, this Court is not inclined to pass any orders in this writ petition following the order in W.P.No.35265 of 1997, which was dismissed confirming the similar Industrial Dispute.

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

Justice Abhinand Kumar Shavili

Dated: 10.11.2017
Nn.

THE HON'BLE SRI ABHINAND KUMAR SHAVILI



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10th November, 2017

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