

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

AND

THE HON'BLE SMT. JUSTICE K.VIJAYA LAKSHMI

WRIT APPEAL No. 1540 OF 2017

DATED 20TH OCTOBER, 2017

Between:

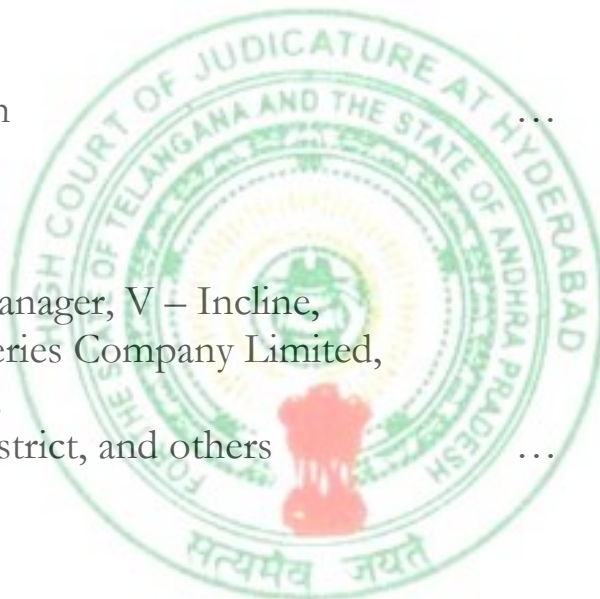
Dasari Narsaiah

... Appellant

AND

The Colliery Manager, V – Incline,
Singareni Collieries Company Limited,
Godavarikhani,
Karimnagar District, and others

... Respondents



Counsel for the appellant

: Sri G.Praveen Kumar

Counsel for the respondents

: Sri J.Sreenivasa Rao

THE COURT MADE THE FOLLOWING

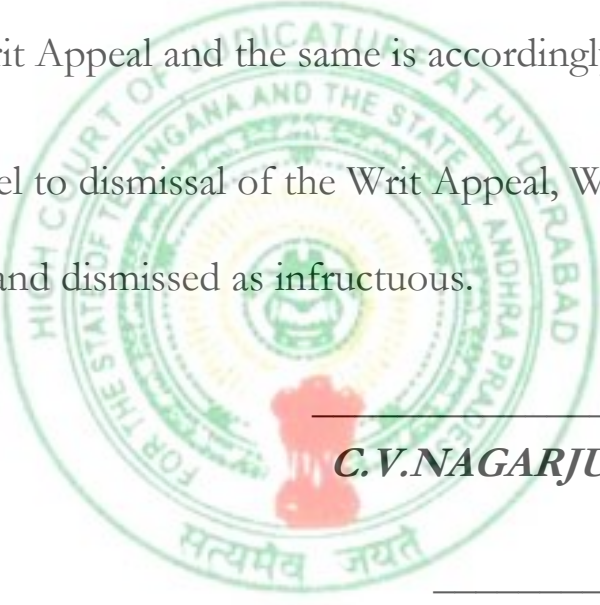
JUDGMENT: (*per Hon'ble Sri Justice C.V.Nagarjuna Reddy*)

The appellant, who was a chronic absentee for duties as Badili Filler, was dismissed from service following disciplinary proceedings as far back as 11-10-1998. Having kept quiet for nearly five years, the appellant raised an industrial dispute before the Industrial Tribunal – cum – Labour Court, Godavarikhani (for short, 'the Tribunal'). The Tribunal passed an award on 15-04-2004 dismissing the industrial dispute. After a lull of about three years, the appellant approached this Court by filing W.P.No. 2384 of 2007. The Writ Petition was dismissed by order dated 25-04-2017. Assailing the said order, he has filed the present Writ Appeal.

2. It is not in dispute that every Badili Filler has to put in a minimum of 190 musters each year. The appellant has had to his credit 125, 126, 68 and 36 musters during the years 1994 to 1997 respectively. When his case for re-employment was reviewed under memorandum of settlement dated 21-02-2000, the competent authority refused to reappoint the appellant for the justifiable reason of his incorrigible absenteeism. The only point argued by learned counsel for the appellant before us is that due to ill-health, the appellant could not put in the required number of musters. As

rightly observed by the learned single judge, neither the appellant availed medical leave on the ground of his ill-health nor he was referred to the hospital of the respondents company during the aforementioned period between 1994 and 1998. Therefore, the plea of ill-health advanced by learned counsel for the appellant is nothing but a subterfuge. In these facts of the case, the learned single judge rightly dismissed the Writ Petition. We do not therefore find any merit in this Writ Appeal and the same is accordingly dismissed.

3. As a sequel to dismissal of the Writ Appeal, W.A.M.P.No. 2850 of 2017 shall stand dismissed as infructuous.



C.V.NAGARJUNA REDDY, J.

K.VIJAYA LAKSHMI, J.

Date: 20-10-2017.

JSK