

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.10541 of 2004

ORDER:

This writ petition is filed seeking a writ of Certiorari calling for the records relating to and connected with the Award in L.C.I.D.No.70 of 2002, dated 10.11.2003, passed by the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad and quash or set aside the same by declaring it as illegal, arbitrary and perverse.

Heard Sri A.Krishnam Raju, learned Standing Counsel for the petitioner-Bank and Sri A.K.Jayaprakash Rao, learned counsel for the 1st respondent-workman.

It has been contended by the petitioner that it is a Nationalised Bank and the 1st respondent-workman was appointed as a Pigmy Deposit Collector on 08.08.1980. For the deposits collected from the investors, certain amount of commission is given to the 1st respondent-workman. The 1st respondent-workman was not discharging his duties to the satisfaction of petitioner-Bank and he was absenting himself from work thereby the collection of deposits had suffered severely. Therefore, the petitioner-Bank had disengaged the services of 1st respondent-workman on 15.06.1995. The 1st respondent-workman had challenged the disengagement before the 2nd respondent by filing L.C.I.D.No.70 of 2002 under Section 2-A(2) of the Industrial Disputes Act. The Industrial Tribunal, vide orders dated 10.11.2003, had set aside the termination orders dated 15.06.1995 and directed that 1st respondent-workman be reinstated into service.

Learned counsel appearing for petitioner-Bank submits that there is no master and servant relationship between the petitioner and the 1st respondent-workman. The 1st respondent-workman was only a Pigmy Agent and no regular salary was paid to him, but only commission, that too, on collection of deposits, was extended to him. The Industrial Tribunal has

failed to appreciate the same and passed orders mechanically. He contended that appropriate orders be passed setting aside the orders passed by the Industrial Tribunal.

Learned counsel appearing for the 1st respondent-workman has contended that the Industrial Tribunal has rightly passed orders in his favour after appreciating the entire facts of the case. The petitioner has not pointed out any grave irregularity or illegality in the orders passed by the Industrial Tribunal and in the absence of the same, this Court would normally not interfere with the orders passed by the Industrial Tribunal. He further contended that the petitioner-Bank has reinstated the 1st respondent-workman and he is discharging his duties as Pigmy Agent without any complaint. Therefore, the writ petition is liable to be dismissed.

This Court, having considered the rival submissions of the parties, is of the considered view that the Industrial Tribunal has rightly passed orders in favour of the 1st respondent-workman and the petitioner-Bank could not point out any grave irregularity or illegality in the orders passed by the Industrial Tribunal, in the absence of which, this Court would not interfere with such orders.

In view of above, there are no merits in the writ petition and the same is accordingly dismissed. No order as to costs.

Pending miscellaneous applications, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

12th December 2018

ajr