

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.6925 OF 2003

ORDER

This writ petition is filed seeking to issue a Writ of Certiorari calling for the records relating to and connected with the Award dated 18.1.2003 passed in I.D.No.107 of 2000 by the Industrial Tribunal-cum-Labour Court, Visakhapatnam, and to quash or set aside the same by holding it as arbitrary and illegal.

Heard Sri Srikanth Raveti, Amicus Curie to the Court, and learned Government Pleader appearing for appearing for the 2nd respondent.

The petitioner is a proprietary concern and it is doing business in the wholesale and food grains. The 1st respondent-workman was engaged as Attendant in the month of January, 2000 and used to attend weighment work and he was continued only for 70 days. But, the 1st respondent had filed I.D.No.107 of 2000 before the Industrial Tribunal-cum-Labour Court, Visakhapatnam, under Section 2-A (2) of the Industrial Disputes Act, 1947 complaining that without following the procedure, he was orally terminated. The Tribunal *vide* Award dated 18.01.2003 directed the petitioner to reinstate the 1st respondent-workman into service with 70% back wages and

with continuity of service. Challenging the same, the present writ petition is filed.

Learned counsel appearing for the petitioner contends that the petitioner establishment falls under A.P. Shops and Establishment Act and the 1st respondent-workman instead of approaching the Authorities under the A.P. Shops and Establishment Act, had approached the Tribunal and the Tribunal had allowed the ID preferred by the respondent-workman without appreciating any of the contentions raised by the petitioner, and directing that the respondent-workman be reinstated into service with 70% back wages with continuity of service.

Learned Government Pleader appearing for the 2nd respondent contends that the 1st respondent-workman pleaded before the Tribunal that he joined as weighment clerk in the packing section during the year 1985 in Devi Corporation run by the petitioner; that in the year 1990, the petitioner closed the said Devi Corporation and opened Arihant Corporation at Visakhapatnam; that the workmen of the erstwhile Devi Corporation were shifted to the Arihant Corporation; that the 1st respondent-workman had put in 10 years of continuous service; that when the 1st respondent sought for regularization of his services and to extend the benefits, the petitioner had

terminated his services; that the Tribunal has rightly passed the Award in favour of the 1st respondent-workman; and that no illegality or irregularity has been committed by the Tribunal in passing the Award.

Having considered the rival submissions made by the learned counsel on either side, this Court is of the considered view that the Tribunal has rightly passed the Award in favour of the 1st respondent-workman. Unless and until the petitioner could not point out any illegality or irregularity in the order passed by the Tribunal, this Court is not inclined to interfere with the same. There are no merits in the writ petition and the same is liable to be dismissed.

Accordingly, the Writ Petition is dismissed. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

11th December, 2018
rkk

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.6805 OF 2004

ORDER

On 28.11.2018, none appeared and there was no representation on behalf of the petitioner. Hence, the matter was directed to be listed under the caption "for dismissal". Today also, when the matter is taken up for hearing, none appears and there is no representation on behalf of the petitioner. It appears that the petitioner is not interested in prosecuting the matter.

Hence, the Writ Petition is dismissed for non-prosecution. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

29th November, 2018
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