

HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.19895 OF 2007

ORDER:

This writ petition is filed seeking to declare the award dated 17.5.2003, passed by the Industrial Tribunal-cum-Labour Court, Visakhapatnam in I.T.I.D © No.78 of 2001, in so far as denying the continuity of service, back wages and other attendant benefits as illegal and arbitrary.

Heard Sri G. Vidyasagar, learned counsel for the petitioner, learned Government Pleader for Labour and Smt K. Udayasri, learned Standing Counsel for the 2nd respondent.

It has been contended by the learned counsel for the petitioner that the petitioner was initially appointed as casual labour during the year January, 1996. He further submits that while the petitioner was discharging his duties, the 2nd respondent without following due process of law have erroneously terminated the services of the petitioner on 17.1.2001. Challenging the same, the petitioner has filed I.T.I.D.(C).No.78 of 2001, before the Industrial Tribunal-cum-Labour Court under Section 2A(2) of the Industrial Disputes Act, 1947 (for short, "the Act"). The Tribunal vide award dated 17.5.2003, partly allowed the I.D preferred by the petitioner and categorically held that the 2nd respondent has not violated the provisions of Section 25(f) of the Act and directed that the petitioner has to be reinstated into service and the Labour Court has categorically held that the petitioner is not entitled for back wages and continuity of service as the petitioner was engaged on daily wages. Challenging the same, the present writ petition is filed.

Learned counsel for the petitioner contends that the as the petitioner has been discharging duties since January, 1996, at least the continuity of service ought to have been granted by the Labour Court, but the Labour Court erred in not granting the relief to the petitioner. He further contends that the writ petition be allowed directing the respondents to grant continuity of service and back wages to the petitioner. Learned counsel appearing for the 2nd respondent contended that the Labour Court has rightly passed the award in favour of the petitioner and no further interference is called for as no illegality or irregularity has been pointed out by the petitioner.

Having considered the rival submissions made by both parties, this Court is of the considered view that no illegality or irregularity has been pointed out in the award passed by the Labour Court and the Labour Court has rightly ordered reinstatement of the petitioner and rightly denied the back wages to the petitioner.

However, in the facts and circumstances of the case, the writ petition is disposed of directing the respondents to extend the benefit of continuity of service only for the purpose of retiral benefits without any monetary benefits. No order as to costs.

As a sequel to disposal of the writ petition, Miscellaneous Petitions, if any pending, shall also stand closed.

ABHINAND KUMAR SHAVILI,J

Date:26.10.2018.
Gk.

HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI



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