

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION Nos.17101 of 2002 and 17086 of 2002

COMMON ORDER:

Both the writ petitions are disposed of by way of this common order, as the issue raised in these two writ petitions is one and the same.

These two writ petitions are filed seeking to issue a writ of Certiorari calling for the records connected with I.D.Nos.80 of 2001 and 82 of 2001 on the file of the 1st respondent and quash the award dated 10.4.2002 passed therein and consequently to direct the 2nd respondent company to reinstate the petitioners into service with full back wages and other benefits.

Heard Si Vedula Srinivas, learned counsel for the petitioners and Si V.B.Subramanyam, learned counsel for the 2nd respondent.

For the sake of convenience, the facts in W.P.No.17086 of 2002 are being discussed herein.

It has been contended by the petitioner that he was engaged with the 2nd respondent company during the year 1989 and continued up to 2001. It has been further contended by the petitioner that without following the procedure, his services were terminated. Challenging the same, the petitioner filed I.D.No.82 of 2001 before the 1st respondent-Industrial Tribunal-cum-Labour Court,

Visakhapatnam. The Labour Court, vide orders dated 10.4.2002 dismissed the I.D. Challenging the same, the present writ petition is filed.

Learned counsel appearing for the petitioners had contended that while terminating the services of the petitioners, the 2nd respondent had not followed the procedure as contemplated under Section 25-F of the Industrial Disputes Act. Learned counsel further contended that the Labour Court ought to have considered the case of the petitioners and granted reinstatement with continuity of service and back wages. Learned counsel for the petitioners also contended that the petitioners are poor workmen and juniors to the petitioners were continued in service while terminating the services of the petitioners.

Learned counsel appearing for the 2nd respondent company had contended that since there was no work, the services of the petitioners were disengaged and no juniors to the petitioners were being continued. Apart from that, the petitioners had not completed 240 days of service and hence, the question of applying Section 25-F does not arise and the writ petitions are liable to be dismissed.

Considering the submissions made by both the parties, this Court is of the opinion that since the petitioners had worked for more than 10 years with the 2nd respondent, ends of justice would be met, if a compensation of Rs.20,000/- is paid to each petitioner in lieu of reinstatement.

Accordingly, these two writ petitions are disposed of directing the 2nd respondent company to pay a sum of Rs.20,000/- to each petitioner in lieu of reinstatement. No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

ABHINAND KUMAR SHAVIL, J

Date: 12/10/2018

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