

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.10887 OF 2004

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 09.10.2003 passed in I.D.No.129 of 2002 by the Industrial Tribunal-II, Hyderabad, and quash or set aside the same by holding it as arbitrary and illegal.

Heard Sri N.Vasudeva Reddy, learned Standing Counsel appearing for the petitioner-Corporation, Sri P.Govinda Rajulu, learned counsel appearing for the 1st respondent and learned Government Pleader appearing for the 2nd respondent.

It is the case of the petitioner that the appropriate Government *vide* G.O.Rt.No.1560, dated 02.07.2002, referred the dispute between the 1st respondent and the petitioner to the Industrial Tribunal-II, Hyderabad, to adjudicate as to whether the punishment imposed against the workman was justified or not. The Tribunal, after examining the reference, passed Award on 09.10.2002, by setting aside the punishment imposed against the workman. Challenging the same, the present writ petition is filed.

Learned Standing Counsel appearing for the petitioner-Corporation contends that the punishment was imposed

against the workman on 03.12.1992 and the reference was made on 2.7.2002; and that the Tribunal instead of dismissing the reference on the ground of delay, had entertained the same and passed Award on 09.10.2003 in favour of the workman.

Learned counsel appearing for the 1st respondent contends that the appropriate Government has referred the dispute to the Tribunal in exercise of the powers under Section 10-(1) of the Act; that the reference was answered in favour of the workman; that the Award passed by the Tribunal has already been implemented by the Corporation; and that therefore, no cause survives for adjudication and the writ petition is liable to be dismissed.

Having considered the rival submissions made by the learned counsel on either side, this Court is of the considered view that the delay on the part of the workman cannot be attributable since the appropriate Government felt that there is a dispute between the Management and the workman and referred the same to the Tribunal. The Tribunal *vide* order dated 09.10.2003 has answered the reference and therefore, the question of delay of ten years in referring the dispute to the Tribunal would not arise. The Tribunal was justified in passing the Award in favour of the workman. 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

16th August, 2018
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