

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.18826 OF 2003

ORDER

In spite of the matter being listed under the caption “for dismissal”, none appears and no representation is made on behalf of the petitioner.

This writ petition is filed seeking to issue a Writ of Certiorari calling for the records relating to and connected with the Award dated 20.5.2003 passed in I.D.No.63 of 2001 by the Industrial Tribunal-cum-Labour Court, Visakhapatnam and to quash or set aside the same by holding it as arbitrary and illegal.

It is the case of the petitioner that the 2nd respondent-workman was appointed as Supervisor in the month of December, 1992. But, without intimating the petitioner, the 2nd respondent-workman abandoned the work from November, 2000. Without disclosing the said fact, the 2nd respondent-workman had erroneously filed I.D.No.63 of 2001 before the Labour Court. Without appreciating any of the contentions raised by the petitioner, the Labour Court passed Award on 20.05.2003 directing the petitioner to reinstate the 2nd respondent-workman into service with 75% back wages and continuity of service. Challenging the same, the present writ petition is filed.

Learned counsel appearing for the petitioner contends that the 2nd respondent-workman had voluntarily abandoned the work and he cannot turn around and contend that he was terminated illegally without any notice and the Labour Court without appreciating the said fact, passed Award in favour of the 2nd respondent-workman.

Learned counsel appearing for the 2nd respondent contends that the Labour Court has rightly passed the Award in favour of the 2nd respondent and there is no illegality or irregularity in the Award passed by the Labour Court.

Having considered the rival submissions made by the learned counsel on either side, this Court is of the view that the Labour Court has rightly passed the Award in favour of the respondent-workman. Unless a grave irregularity or illegality has been pointed out by the petitioner, this Court is not inclined to interfere with the same. There are no merits in this 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

8th November, 2018
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