

**HON'BLE SRI JUSTICE SURESH KUMAR KAIT
AND
HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI**

W.A.No.262 OF 2018

JUDGMENT: (ORAL)

(per Hon'ble Sri Justice Suresh Kumar Kait)

Vide the present appeal, the appellant has challenged order dated 24.01.2018 passed in W.P.No.1781 of 2018 by the learned Single Judge of this Court whereby the writ petition filed by the appellant has been dismissed.

2. While issuing notice, vide order dated 14.02.2018 this Court granted interim stay of all further proceedings in E.P.No.1 of 2017 before the Labour Court-I Andhra Pradesh until further orders. Thereafter, the respondent No.3 filed I.A.No.2 of 2018 to vacate the interim order mentioned above.

3. With the consent of the learned counsel for the parties we have taken the present appeal for final disposal.

4. It is not in dispute that the respondent No.3 filed I.D.No.1 of 1996 before the Labour Court and the same was allowed vide Award dated 10.08.1998. Since the said award was not complied with therefore the respondent No.3-workman compelled to file M.P.No.12 of 2012 to comply with Award dated 10.09.1998. The same was allowed and the appellant herein was directed to comply with the order dated 10.08.1998. Thereafter, the appellant filed W.P.No.15973 of 2013 before this Court challenging order dated 20.12.2012

passed in M.P.No.12 of 2012 however not challenged the award dated 10.08.1998. The said petition was dismissed as withdrawn with liberty to file fresh petition.

5. It is pertinent to mention here that the respondent No.3-workman run from pillar to post to get award dated 10.8.1998 implemented however finding no remedy compelled to file M.P.No.12 of 2012 which was disposed of vide order dated 20.12.2012.

6. Now the appellant challenged order dated 24.01.2018 passed in W.P.No.1781 of 2018 and seeks direction to remand the case before learned Single Judge.

7. Keeping in view the facts and circumstances of the case, we are of the considered opinion that there will be no justification to remand the case before learned Single Judge for the reason that the appellant are bound to comply with the award dated 10.08.1998 passed in I.D.No.1 of 1996 which has never been challenged. Moreover they challenged only order dated 20.12.2012 in M.P.No.12 of 2012 which is not maintainable.

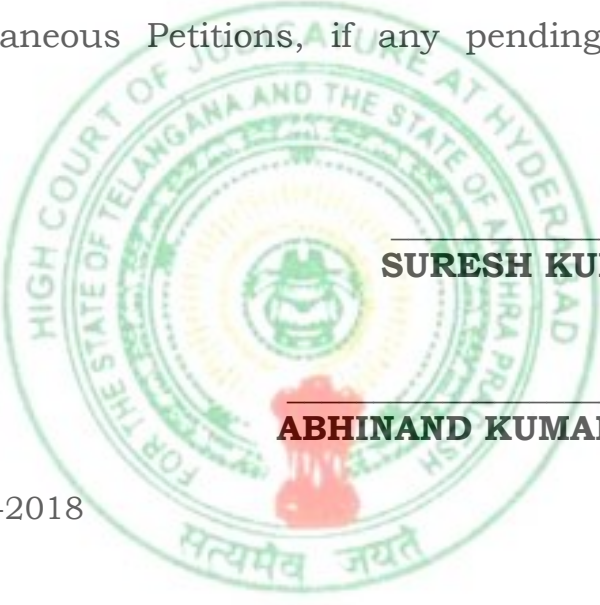
8. In addition to above, in the present proceedings, the appellant has taken attempt to challenge the award dated 10.08.1998 after around 20 years which is hit by delay and latches.

9. In view of above, we find no ground to interfere with the order dated 24.01.2018 passed in W.P.No.1781 of 2018 by the learned Single Judge of this Court.

10. Accordingly, the Writ Appeal is dismissed. No order as to costs.

11. It is made clear that the appellant shall comply with the Award dated 10.08.1998 within four (04) weeks from the date of receipt of a copy of this order.

Miscellaneous Petitions, if any pending, shall stand closed.



SURESH KUMAR KAIT, J.

ABHINAND KUMAR SHAVILI, J.

Date : 04-07-2018
Gvl