

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 3224 of 2004

ORDER:

This writ petition is filed seeking to issue a writ of certiorari calling for the record relating to and connected with I.D.No.73 of 2001 on the file of the 2nd respondent-Labour Court and quash the award dated 08.08.2003 passed therein holding it as illegal and arbitrary.

Heard learned standing counsel for the petitioner corporation and learned counsel for the 1st respondent.

It has been contended by the petitioner corporation that challenging the orders of termination dated 18.11.1989 and seeking reinstatement, the 1st respondent filed I.D.No.73 of 2001 on the file of the 2nd respondent-Labour Court under Section 2-A(2) of the Industrial Disputes Act on the ground that he joined the service of the corporation as casual cleaner on 04.02.1988 and without assigning any reasons he was terminated from service on 18.11.1989. It has been further contended that the 1st respondent was never engaged as workman by the corporation at any time and there is no employee and employer relationship between the corporation and the 1st respondent; that the 1st respondent was a contract labour engaged through one Mr. K. Chandrasekhar and the engagement of K.Chandrasekhar on the work of sweeping and washing of buses at Sangareddy depot was ended in the year 1989; that the 1st respondent was never paid any salary or wages for the period from 04.02.1988 to 18.11.1989 when

his services are said to have been orally terminated; and that it was not even averred in the claim petition that there was any order of appointment appointing the 1st respondent as casual cleaner; and that, therefore, the impugned award is liable to be set aside.

Learned counsel for the 1st respondent has contended that the Labour Court has rightly passed the award in favour of the 1st respondent and, therefore, no interference is called for from this Court.

This Court, having considered the submissions made by the learned counsel for the parties and perused the record, is of the considered view that the Labour Court has rightly passed the award in favour of the 1st respondent. Further, no illegality or irregularity is pointed out by the learned standing counsel for the petitioner corporation in the award passed by the Labour Court. Unless and until any illegality or irregularity is pointed out by the learned standing counsel for the petitioner corporation in the award passed by the Labour Court, this Court cannot interfere with the award. The writ petition is devoid of merits and the same is liable to be dismissed.

Accordingly, the writ petition is dismissed. Consequently, miscellaneous petitions, if any, pending in the writ petition shall stand closed. No order as to costs.

ABHINAND KUMAR SHAVILI, J

27th November, 2018
cbs

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Writ Petition No.3224 of 2004
(dismissed)

27th November, 2018

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