

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI**WRIT PETITION No. 6366 OF 2004****ORDER :**

This Writ Petition is filed seeking to issue a Writ of Mandamus to declare the award dated 28.11.2003 in L.C.I.D.No.74/2002 passed by the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as illegal, null and void.

2. Heard the learned Standing Counsel for the petitioner and Mr.S.Surender Reddy for the respondents.

3. It has been contended by the respondent-workman that he was engaged on daily wage basis on 1.12.1991 and he was continued upto March, 1997 and thereafter, the respondent-workman, on his own, has abandoned the services of the petitioner and his whereabouts are not known. The respondent-workman had filed L.C.I.D.No.74/2002 before the 2nd respondent contending that he was terminated from service and challenging the order in L.C.I.D.No.74/2002 same, the present Writ Petition is filed.

4. The Industrial Tribunal-cum-Labour Court, vide orders dated 28.11.2003 had passed orders in favour of the respondent-workman directing for his reinstatement as casual driver and he shall be

reinstated on the minimum wages now applicable on or before 1st March, 2004.

5. The Counsel for the petitioner contends that the respondent-workman abandoned the service on his own and it is not the fault of petitioner. The petitioner further contends that these facts are not taken into consideration by the Labour Court and the Labour Court mechanically passed the orders in favour of the respondent-workman.

6. The Counsel appearing for the respondent-workman contends that the Labour Court has rightly modified the order directing reinstatement of the respondent-workman and the Labour Court had also rightly rejected the case of the petitioner and therefore, no interference is called for. There is no irregularity or illegality as pointed out by the petitioner.

7. This Court is of the considered view that this Writ Petition can be disposed of directing the petitioners to pay sum of Rs.2,00,000 in lieu of reinstatement to the respondent-workman and to that effect the award passed is modified and the Writ Petition is disposed of directing the respondents to pay the amount as stated supra to the

respondent-workman within a period of four weeks from the date of receipt of this order.

8. With this observation, this Writ Petition is disposed of.

9. The Miscellaneous Petitions pending, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

27th November, 2018

GS

