

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 17126 of 2002

ORDER:-

1. This writ petition is filed seeking to issue a writ of Certiorari calling for the records relating to and connected with I.D.No.48 of 2001 on the file of the Labour Court, Godavarikhani; to quash the award dated 28.2.2002 passed therein by holding it as arbitrary and illegal, and consequently, to direct the respondent to reinstate the petitioner into service with continuity of service and to pay all consequential benefits.

2. Heard Sri S. Ashok Anand Kumar, learned Counsel for the petitioner and the learned Government Pleader for the respondent.

3. It is the case of the petitioner that he was appointed as Night watchman on 3.9.1985 in R & B West Sub-Division, Karimnagar Headquarters, Jagityal. After rendering nearly 16 years of service, he was orally terminated from service on 15.8.2001. The petitioner challenged the said oral termination order before the Industrial Tribunal-cum-Labour Court by filing I.D.No.48 of 2001 under Section 2-A(2) of the Industrial Disputes Act. The Labour Court vide award dated 28.2.2002 was pleased to dismiss the I.D. preferred by the petitioner. As

no relief was granted by the Labour Court in favour of the petitioner, the present writ petition is filed.

4. Learned Counsel for the petitioner contended that the Labour Court ought to have exercised its power and set aside the order of oral termination and it ought to have reinstated the petitioner into service with full back wages and continuity of service. He further contended that the writ petition may be allowed and the petitioner may be reinstated into service with all consequential benefits.

5. The learned Government Pleader contended that the Labour Court has rightly dismissed the I.D. preferred by the petitioner and that the petitioner has only worked for 120 days and he was never engaged on regular basis and that the petitioner himself voluntarily abandoned the services and therefore, no interference is called for and the writ petition is liable to be dismissed.

6. This Court having considered the rival submissions made by the parties is of the considered view that this writ petition can be disposed of directing the respondents to pay a sum of Rs.50,000/- (Rupees Fifty Thousand only) as full and final settlement towards compensation in lieu of reinstatement of the petitioner.

7. Accordingly, the Writ Petition is disposed of directing the respondents to pay a sum of Rs.50,000/- (Rupees Fifty Thousand only) as full and final settlement towards compensation in lieu of reinstatement of the petitioner, within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

Dated: 14-11-2018

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14.11.2018

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