

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.24540 of 2002

ORDER:

This writ petition is filed seeking the following relief:

“ to issue an appropriate writ, order or direction especially in the nature of writ of certiorari calling for the records relating to the impugned order dated 28.6.2002 made in M.P.No.17/2000, Labour Court III, Hyderabad, directing payment of Rs.1,90,696.75 ps difference of wages from November 2000 onwards to the 1st respondent within 2 months failing which the 1st respondent would be entitled to receive it with interest at 12% p.a. and quash the same as being illegal, without jurisdiction and invalid.”

Heard Sri B. Mayur Reddy, learned Standing Counsel for the petitioners and Sri P.Sridhar Reddy, learned counsel for the respondent-workman.

It has been contended by the petitioners that the respondent workman was appointed as Conductor on 31.3.1997. While he was discharging his duties, he was removed from service vide orders dated 27.7.1981. Challenging the order of removal, the workman filed I.D.No.39 of 1992 before the Labour Court III, Hyderabad and the Labour Court, vide orders dated 16.12.1992 allowed the I.D. setting aside the order of removal and directed to reinstate the respondent workman into service with continuity of service and attendant benefits, however, without backwages. Thereafter, the respondent Workman had filed M.P.No.17 of 2000 before the Labour Court claiming wages. The Labour Court, vide orders dated 25.6.2002 allowed the petition and

directed the petitioners herein to pay a sum of Rs.1,90,696/- plus difference of wages to the respondent workman, without appreciating any of the contentions raised by the petitioners herein. Aggrieved by the same, the present writ petition is filed.

On 11.12.2002, this Court granted interim suspension of the orders passed in M.P.No.17 of 2000 dated 25.6.2002 subject to the condition that the petitioners deposits an amount of Rs.90,000/- before the Labour Court III, A.P. within four weeks.

Learned counsel for the petitioners contended that the respondent workman was granted only continuity of service and attendant benefits without any backwages in I.D.No.39 of 1992 and that in M.P.No.17 of 2000, the Labour Court erroneously granted relief to the respondent workman and directed the petitioners herein to pay Rs.1,90,696/- to the respondent workman. Therefore, learned counsel contends that appropriate orders may be passed by setting aside the orders passed by the Labour Court in M.P.No.17 of 2000 dated 25.6.2002 and to allow the writ petition.

Learned counsel for the respondent workman had contended that in pursuance of the orders passed by the Labour Court in I.D.No.39 of 1992, the petitioners have erroneously fixed the salary of the workman at Rs.1,035 instead of 2,805 and the respondent workman had filed calculation sheet claiming amounts before the Labour Court. Learned counsel further submits that the petitioners have not disputed the said calculation memo filed by the respondent workman and, therefore, the Labour Court allowed the miscellaneous petition filed by the respondent

workman and, therefore, there is no irregularity or illegality in the orders passed by the Labour Court.

Learned counsel for the petitioners contended that the Labour Court had erroneously granted notional increments to the respondent workman and in view of the law laid down by the Hon'ble Supreme Court in Civil Appeal No.6362 of 2000 dated 15.1.2003, unless and until the Labour Court specifically grants the relief of notional increments, the same cannot be granted.

To appreciate the contention raised by the petitioners that the Labour Court erroneously granted notional increments to the respondent workman, the petitioners have not filed the award copy in I.D.No.39 of 1992 dated 16.12.1992. In the absence of the award copy, this Court is not in a position to examine the case whether notional increments were granted or not to the respondent workman. The petitioners have also not filed any calculation memo denying the claim made by the respondent workman. Therefore, the Labour Court has rightly passed orders in favour of the respondent workman and no interference is called for by this Court.

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

Miscellaneous petitions pending, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

Date: 18/12/2018

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