

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.8567 OF 2001

ORDER:

1. This writ petition is filed seeking to issue a writ of Certiorari calling for the records relating to and connected with the award dated 5.3.1998 in I.D.No.53 of 1996 on the file of the Labour Court-I, Hyderabad, and to quash the same insofar as non-granting of backwages till death of the workman and consequential terminal benefits to the dependants of the workman is concerned.

2. Heard Smt. K. Udaya Sri, learned Counsel for the petitioners and the learned Government Pleader for Labour.

3. It has been submitted by the petitioners that their son P. Surender Babu was employed in Hyderabad Allwyn Limited and as the said company was taken over by Voltas Limited, their son was rehabilitated and he was allotted to work in Government of A.P. in supernumerary post and he was deputed to work with the 2nd respondent-Department of Tourism. It has been further submitted that while the son of the petitioners was working with the Department of Tourism by virtue of his allotment to the said department vide G.O.Ms.No.180, dated 28.4.1993, he fell sick due to jaundice and he informed the same to the 2nd respondent, and after recovery from the illness, he reported to duty on 16.4.1995

along with the medical certificate, but the 2nd respondent has not allowed him for duty and thereafter, he was removed for his absence vide proceedings dated 22.4.1995 and challenging the removal order, he filed I.D.No.53 of 1996 before the Labour Court, Hyderabad, and during the pendency of the case before the Labour Court, he died on 8.11.1996 and then, the petitioners were brought on record before the Labour Court vide order dated 29.4.1997 as legal representatives of the deceased worker and the Labour Court passed award on 5.3.1998 observing that since the workman died, the claim relating to reinstatement of the workman would not survive. However, the Labour Court directed the 2nd respondent herein to pay Rs.10,000/- to the petitioners within two months from the date of publication of the award, as the petitioners are the parents of the workman. Aggrieved by non-granting of backwages and terminal benefits of the workman to the petitioners, the present writ petition has been filed.

4. I have considered the submissions made by the parties and perused the material available on record. The present dispute was raised in the year 1996 by the workman challenging his removal order and subsequently, he died. The Labour Court without examining the issue as to whether the removal of the workman is proper or not, simply directed the 2nd respondent herein to pay Rs.10,000/- to the petitioners herein. The Labour Court has not

granted backwages and consequential terminal benefits of the deceased workman. Challenging the same, the petitioners, who are the parents of the deceased workman, filed this writ petition in the year 2001.

5. From the award impugned, it is obvious that the Labour Court has given a specific finding that the principles of natural justice were not followed while removing the workman. While coming to such a conclusion, the Labour Court ought to have held the removal as bad and awarded back wages to the workman. Without examining the said aspect, the Labour Court directed the 2nd respondent herein to pay Rs.10,000/- to the petitioners. However, the Labour Court observed that since the workman had expired, the question of reinstatement does not survive for consideration. The present writ petition is filed about 17 years back and at this length of time, the matter cannot be remanded to the Labour Court for deciding the issue as to whether the removal of the workman is proper or not. In these circumstances and considering the age of the petitioners, this Court is of the view that ends of justice would be met if the amount awarded by the Labour Court is enhanced to that of Rs.50,000/-.

6. Accordingly, the amount of Rs.10,000/- awarded by the Labour Court vide award dated 5.3.1998 in I.D.No.53 of 1996 is

modified to that of Rs.50,000/-. The 2nd respondent herein is directed to pay Rs.50,000/- (Rupees Fifty Thousand only) instead of Rs.10,000/- to the petitioners, within a period of four weeks from the date of receipt of a copy of this order. Rest of the Award of the Labour Court shall remain static.

7. With the above direction, the Writ Petition is disposed of. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

Dated: 22nd June, 2018
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(ABHINAND KUMAR SHAVILI, J)



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22.6.2018

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