

HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.3893 OF 2004

ORDER:

This writ petition is filed seeking a writ of *Certiorari* calling for the records relating to I.D.No.131 of 2000, on the file of the 2nd respondent-Labour Court, and to quash the Award dated 28.6.2003, passed therein holding it, as arbitrary and illegal.

Heard the learned Government Pleader for Finance and Planning and Smt K. Udaya Sri, learned counsel for the 1st respondent-workman.

It has been contended by the petitioners that the 1st respondent-workman, was engaged as a “Watchman-cum-Sweeper” on part-time basis, on a monthly salary of Rs.350/- in the month of January, 1994 and he was continued up to November, 1997, and thereafter in terms of his appointment order, his services were terminated. The petitioner was continued with intermittent breaks up to 7.7.2000, and it was contrary to Act 2 of 1994. Challenging the same, 1st respondent-workman, has filed I.D.No.131 of 2000, before the 2nd respondent-Labour Court-II, under Section 2-A(2) of the Industrial Disputes Act, 1947 (for short, “the Act”). The Labour Court, vide award dated 28.6.2003, passed orders in favour of the 1st respondent-workman, by setting aside the order of termination and directed that the 1st respondent-workman, be reinstated into service with full back wages. Challenging the same, the present writ petition came to be filed by the petitioners.

It has been contended by the petitioners that the petitioners’ organization is not an industry and the appointment of the 1st

respondent-workman, is contrary to the provisions of the Act 2 of 1994 and in view of the same, services of the 1st respondent-workman were terminated and the Labour Court, without appreciating any of the contentions raised by the petitioners, has allowed the I.D filed by the 1st respondent-workman.

Learned counsel appearing for the 1st respondent-workman, has contended that the Labour Court, has rightly passed the award in favour of the 1st respondent-workman, and no illegality has been committed by the Labour Court, by exercising its powers under Section 11-A of the Act. In view of the same, this writ petition is liable to be dismissed.

Having considered the rival submissions made by the parties, this Court is of the view that the Labour Court, has rightly passed the award in favour of the 1st respondent-workman, by exercising its powers under Section 11-A of the Act, and no illegality has been pointed by the petitioners to reverse the finding of the Labour Court. Therefore, there are no merits in the writ petition and the writ petition is liable to be dismissed.

Accordingly, the writ petition is dismissed. No order as to costs. As a sequel to disposal of the writ petition, Miscellaneous Petitions, if any pending, shall also stand closed.

ABHINAND KUMAR SHAVILI,J

Date:25.09.2018.
Gk.

HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI



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