

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 17067 of 2002

ORDER:

This writ petition is filed seeking to issue a writ of certiorari calling for the record relating to and connected with M.P.No.42 of 1999 on the file of the 1st respondent-Labour Court and quash the order dated 10.05.2002 passed therein holding it as illegal and arbitrary.

Heard Sri Aravala Ramarao, learned standing counsel for petitioner corporation and learned counsel for the 2nd respondent-workman.

It has been contended by the petitioner corporation that the 2nd respondent workman was engaged as Conductor in the corporation. While she was discharging her duties on 31.07.1998 the bus met with an accident, due to which, the workman sustained fracture injury to her right leg and got admitted in Kurnool Government Hospital and discharged from the hospital on 20.08.1998. However, the workman was on treatment as out-patient upto 15.10.1998 and reported to duty on 16.10.1998. Again, he got treatment in the hospital from 18.11.1998 upto 05.01.1999 and reported to duty on 06.01.1999. Even though the workman is not entitled for pay on the second spell as a special consideration the corporation paid the wages for the above period. After lapse of four months, again the workman is said to have attended the hospital on 08.05.1999 alleging that she got developed swelling and severe pain for the same injury and not reported to duty upto 09.09.1999. Since there is no leave to her credit, no wages were

paid for the said period i.e., 13.05.1999 to 09.09.1999. Questioning the same, she filed M.P.No.42 of 1999 on the file of the 1st respondent-Labour Court claiming wages of Rs.13,186-40 ps for the period from 13.05.1999 to 09.09.1999. The 1st respondent on erroneous consideration allowed the petition vide order dated 10.05.2002. Aggrieved thereby, the corporation filed the present writ petition.

Learned counsel for the 2nd respondent has contended that the Labour Court has rightly passed the order in favour of the 2nd respondent and, therefore, no interference is called for.

This Court, having considered the submissions made by the learned counsel for the parties, is of the considered view that the Labour Court has rightly passed the order in favour of the 2nd respondent. Further, no illegality or irregularity is pointed out by the learned standing counsel for the petitioner corporation in the order passed by the Labour Court. Unless and until any illegality or irregularity is pointed out by the learned standing counsel for the petitioner corporation in the order passed by the Labour Court, this Court cannot interfere with the findings of the Labour Court. There are no merits in the writ petition.

Therefore, the writ petition is dismissed. Consequently, miscellaneous petitions, if any, pending in the writ petition shall stand closed. No order as to costs.

ABHINAND KUMAR SHAVILI, J

26th November, 2018
cbs

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Writ Petition No.17067 of 2002
(dismissed)

26th November, 2018

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