

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.24076 of 2002

ORDER:

This writ petition is filed seeking a Writ of Certiorari to call for the records relating to and connected with M.P.No.52 of 1999, dated 25.06.2002 passed by the Labour Court and quash or set aside the same insofar as not granting wages from 11.11.1993 to 03.10.1995 and not granting the difference of wages by giving the benefit of regularisation from the date of initial appointment, as arbitrary, unjust and is in violation of Articles 14, 16 and 21 of the Constitution of India.

Heard Sri V.Narsimha Goud, learned counsel for petitioner and Sri B.Mayur Reddy, learned Standing Counsel for respondents.

It has been contended by the petitioner that he was appointed as a Typist in the respondent-Corporation on 24.08.1985, on daily wage basis. While the petitioner was discharging his duties, he was terminated from service vide orders dated 01.07.1986. Challenging the same, the petitioner has filed writ petition No.1478 of 1987 and this Court disposed of the said writ petition vide orders dated 11.11.1993 setting aside the orders of termination and directed that the petitioner be reinstated into service, however, without any back-wages. Thereafter, the respondents have not complied with the orders passed by this Court in W.P.No.1478 of 1987. In those set of circumstances, petitioner had to file another writ petition and the same was disposed of during the year 1995. Only when the 2nd writ petition was disposed of, respondents have reinstated the petitioner into service on 04.10.1995 and the respondents have regularised the

services of petitioner with effect from 28.05.1996. The petitioner, aggrieved by the action of respondents in regularising his services with effect from 28.05.1996, has filed M.P.No.52 of 1999 before the Labour Court under Section 33-C(2) of the Industrial Disputes Act. The Labour Court, vide orders dated 25.06.2002, partly allowed the M.P. filed by the petitioner and directed that the petitioner be paid consolidated wages of Rs.350/- per month for the period from 11.01.1994 to 31.08.1994, and thereafter, respondents shall pay salary to the petitioner on par with other Typists working in the Organisation as per the scale of pay applicable to the post of Typist as on 01.09.1994, as if the services of petitioner were regularised with effect from 01.09.1994. Challenging the action of Labour Court in denying regular wages on par with other employees with effect from 11.01.1994 instead of 01.09.1994, petitioner has filed the present writ petition.

Learned Counsel for petitioner submits that when this Court in the order dated 11.11.1993 in W.P.No.1478 of 1987, has directed the respondents to reinstate the petitioner into service, in all fairness, the respondents ought to have reinstated the petitioner and extended the regular scale of pay attached to the post of Typist by duly regularising the services of petitioner with effect from 11.01.1994 and contend that appropriate orders be passed directing the respondents to extend regular pay scale of Typist with effect from 11.01.1994 instead of 01.09.1994 as ordered by the Labour Court and contend that the writ petition be allowed to that extent.

Learned Standing Counsel appearing for respondents contend that the Labour Court has rightly passed orders and granted relief and no further interference is called for, more so, when no grave irregularity or illegality has been pointed out by the petitioner and the writ petition is liable to be dismissed.

This Court, having considered the rival submissions of the parties, is of the considered view that the Labour Court has rightly passed orders in favour of the petitioner and no further interference is called for from this Court, more so, when no grave irregularity or illegality has been pointed out by the petitioner in the orders passed by the Labour Court. The Labour Court has granted relief by ante-dating the date of regularisation of the petitioner from 28.05.1996 to 01.11.1994 and reasonable relief was already granted to the petitioner by the Labour Court. Therefore, this Court is of the view that there are no merits in the writ petition and it is liable to be dismissed.

The writ petition is accordingly dismissed. No order as to costs.

Pending miscellaneous applications, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

19th December 2018

ajr