

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.14370 of 2006

ORDER:

This Writ Petition is filed seeking a writ of Certiorari calling for the records relating to the award, 16.05.2006, passed in M.P.No.37 of 2004 by the Labour Court-III, Hyderabad, and quash or set aside the same.

2. Heard Sri B.Mayur Reddy, learned Standing Counsel for the petitioner-Corporation and Sri V.Narsimha Goud, learned counsel for the 1st respondent/workman.

3. It has been contended by the petitioners that the 1st respondent/workman was engaged as Water Boy during the year 1983 on consolidated wages and on his own, abonded the services and without disclosing the same, he had filed I.D.No.241 of 1992 (old ID.No.483 of 1988) under Section 2-(A) (ii) of the Industrial Disputes Act, 1947 (for short, 'the Act'), contending that his services were illegally terminated. The Labour Court has considered the case of the 1st respondent-workman and passed the award on 25.08.1993 directing the petitioner-Corporation to absorb the 1st respondent-workman in proper job. Pursuant to the orders passed by the Labour Court, the petitioner-Corporation engaged the 1st respondent-workman, but, however, while engaging him they have not properly calculated the wages in terms of the orders passed by the Labour Court on 25.08.1993 in I.D.No.241 of 1992. Thereafter, the 1st respondent-workman had filed E.P. and pursuant to the orders passed in the said E.P., the 1st respondent-workman was extended the minimum time scale of

pay attached to the post. However, the 1st respondent-workman had filed M.P.No.37 of 2004 contending that the petitioner-Corporation is liable to pay the difference of wages from the date of passing of the award in I.D.No.241 of 1992. The Labour Court had entertained the said M.P.No.37 of 2004 filed under Section 33 C (2) of the Act and passed orders in favour of the 1st respondent-workman directing the petitioner-Corporation to pay a sum of Rs.2,19,145/- to the petitioner on or before 21.06.2016. Challenging the same, the present Writ Petition is filed.

4. It has been contended by the petitioners that the Labour Court has passed the impugned order in favour of the 1st respondent-workman, without appreciating any of the contentions raised by the petitioner-Corporation and the 1st respondent-workman is not entitled to any amount as directed by the Labour Court.

5. Learned counsel for the 1st respondent-workman had contended that the I.D. preferred by the 1st respondent-workman was allowed vide order, dated 25.08.1993 and from the date of publication of the said award, the 1st respondent-workman is entitled for the wages, but the petitioner-Corporation has not properly calculated the wages. Under these circumstances, the 1st respondent-workman has filed M.P.No.37 of 2004 and the Labour Court, after hearing the 1st respondent-workman, allowed the said M.P. and therefore, there is no illegality or irregularity has been committed by the Labour Court and the Writ Petition is devoid of merit and is liable to be dismissed.

6. It is further brought to the notice of this Court by learned counsel appearing for the 1st respondent-workman that the 1st respondent-workman expired on 22.08.2015 and to that effect he has also filed Memo bringing to the notice of the petitioner-Corporation, but the petitioner-Corporation has not brought on record the Legal Representatives of the 1st respondent-workman. In view of the same, the writ petition is liable to be dismissed for not bringing the legal representatives of the 1st respondent-workman.

7. This Court, having considered the rival submissions made by the parties, is of the view that the Labour Court has rightly passed the orders in M.P.No.37 2004, dated 16.05.2006, and when no illegality or irregularity has been pointed by the petitioner-Corporation, it is difficult for this Court to interfere with the orders passed by the Labour Court.

8. Accordingly, the Writ Petition is dismissed. Miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

ABHINAND KUMAR SHAVILI, J

OCTOBER 23, 2018

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Date:23.10.2018

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