

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.11162 of 2003

ORDER:

This writ petition is filed seeking a Writ of Certiorari to call for the records relating to and connected with orders in E.P.No.1 of 1999 in M.P.No.10 of 1996, dated 26.03.2003 passed by the Labour Court and quash or set aside the same, holding it as arbitrary and illegal.

Heard Sri A.Rama Rao, learned Standing Counsel for petitioner-Corporation and the learned Government Pleader for Labour.

It has been contended by the petitioners that the 1st respondent-workman was removed from service. Challenging the said order of removal, the 1st respondent had filed I.D.No.197 of 1993 under Section 2-A(2) of the Industrial Disputes Act. The Tribunal, vide orders dated 29th April 1995, set aside the order of removal and directed that the 1st respondent-workman be reinstated into service with continuity of service, but with back-wages only from the date of filing of the I.D. till passing of Award. Thereafter, the 1st respondent-workman had filed M.P.No.10 of 1996 before the Labour Court claiming an amount of Rs.96,546/- under Section 33-C(2) of the Industrial Disputes Act, and the Labour Court, vide orders dated 05.03.1998, allowed the said M.P. Petitioners have challenged the orders passed in M.P.No.10 of 1996 in I.D.No.197 of 1993 by filing W.P.No.21815 of 2000 and the said writ petition was dismissed on 07.08.2001. Thereafter, the 1st respondent-workman filed E.P.No.1 of 1999 and the Labour Court, vide orders dated 26.03.2003, had directed the petitioners to pay interest on a sum of Rs.96,272-27 ps.,

to the 1st respondent-workman and the matter was adjourned to 21.04.2003 to enable the petitioners to pay interest on the amounts paid by the petitioners to the 1st respondent-workman. Challenging the said orders passed in E.P.No.1 of 1999, the present writ petition is filed.

Learned Standing Counsel for petitioners contend that appropriate orders be passed in the writ petition by setting aside the orders passed in E.P.No.1 of 1999, dated 26.03.2003, wherein, the Labour Court has adjourned the matter to enable the petitioners to pay interest in addition to the amounts already paid by the petitioners to the 1st respondent-workman.

This Court, having considered the submissions made by the learned Standing Counsel for the petitioners, is of the considered view that the E.P. proceedings are consequential to the orders passed in I.D.No.197 of 1993 and M.P.No.10 of 1996. The Labour Court has not adjudicated anything independently on its own in the E.P. In view of the submission made by the petitioners that they are willing to pay Rs.96,272-27 ps., to the 1st respondent-workman, the Labour Court has only directed to pay interest on the said amount. As the orders passed in M.P.No.10 of 1996 were confirmed in W.P.No.21815 of 2000 by dismissing the said writ petition vide orders dated 07.08.2001, the petitioners are bound to comply with the orders passed in M.P.No.10 of 1996. In view of the same, there are no merits in the writ petition and the same 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

