

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO. 19242 OF 2004

ORDER:

This Writ Petition is filed challenging the orders passed in I.D.No.19 of 2002 dated 15.12.2004 wherein the Labour Court, instead of setting aside the orders of retrenchment, had ordered compensation in lieu of reinstatement.

Learned counsel for the petitioner contends that as the Labour Court had held that the retrenchment is bad, the Labour Court ought to have ordered reinstatement of the petitioner into service. Instead, the Labour Court had granted a meagre amount of Rs.30,000/- in lieu of reinstatement. Learned counsel for the petitioner submits that appropriate orders be passed directing the 1st respondent to reinstate the petitioner into service with all consequential benefits such as back wages, continuity of service etc.,

Learned Standing Counsel for the respondents contends that the Labour Court had rightly passed orders and granted compensation of Rs.30,000/- to the petitioner in lieu of reinstatement and more over, the 1st respondent Samsthan is not in existence as it has been closed during the pendency of this Writ petition and the amount of Rs.30,000/- as ordered by the Labour Court was also paid to the petitioner. Therefore, contends that there are no merits in the Writ Petition and the Writ Petition is liable to be dismissed.

This Court, having considered the rival contentions, is of the considered view that the Labour Court had rightly passed orders directing the 1st respondent to pay Rs.30,000/- in lieu of reinstatement of the petitioner. There is no irregularity or illegality in the orders passed by the

Labour Court. In the absence of the same, this Court cannot interfere with the orders passed by the Labour Court.

There are no merits in the Writ Petition and accordingly, the Writ Petition is dismissed.

Pending miscellaneous petitions, if any, shall stand dismissed. No order as to costs.

ABHINAND KUMAR SHAVILI ,J

Date: 17.12.2018

KPM

