

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.14353 of 2004

ORDER:

This writ petition is filed seeking a Writ of Mandamus, declaring the action of respondents in not regularising the services of petitioners pursuant to the Award passed by the Labour Court in I.D.No.349 of 1993, dated 01.09.1993, as illegal, arbitrary, unconstitutional and against the fundamental rights and violative of principles of natural justice and further direct the respondents to regularise the services of petitioners in the existing vacancies.

Heard Sri J.Sampath Kumar, learned counsel for petitioners and the learned Government Pleader for Irrigation.

It has been contended by the petitioners that the petitioners had worked in the Nagarjuna Sagar Project and they have approached the Labour Court and obtained an Award for arrears and regularisation from 1989 onwards. The litigation went right upto the Supreme Court and the Hon'ble Supreme Court was pleased to confirm the Award passed by the Labour Court. The petitioners have filed this writ petition seeking regularisation of their services in terms of the Award passed in I.D.No.349 of 1993, dated 01.09.1993 and contend that appropriate orders be passed directing the respondents to regularise the services of petitioners in the existing vacancies.

The learned Government Pleader appearing for respondents contend that the petitioners are not parties to I.D.No.349 of 1993, and therefore, the question of regularising their services in pursuance of the Award passed in I.D.No.349 of 1993 would not arise. The learned Government Pleader further contend that nowhere the Industrial

Tribunal has directed in the said Award to regularise the services of petitioners and it only directed to continue the petitioners in service with back-wages. As the petitioners were not parties to the above said I.D., the question of regularising the services of petitioners would not arise. There are no merits in the writ petition and the writ petition is totally misconceived and it is liable to be dismissed.

This Court, having considered the rival submissions of the parties, is of the considered view that the petitioners are not parties to I.D.No.349 of 1993 and when petitioners are not parties to I.D.No.349 of 1993, they cannot seek regularisation of their services in terms of the Award passed in the said I.D. Moreover, a perusal of the record also discloses that the petitioners have attained the age of superannuation, and therefore, the question of considering their cases for regularisation at this point of time, would not arise.

In view of above said observations, the writ petition is dismissed. No order as to costs.

Pending miscellaneous applications, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

19th December 2018

ajr