

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.13418 of 2005

ORDER:

When this case is taken up for hearing, it is reported by the learned counsel for the petitioner that the award passed by the Industrial Tribunal has been complied with, however, only with effect from 01.09.1999, but not with effect from 1997, as directed by the learned Tribunal. The learned Tribunal directed the petitioner herein to regularize the services of the workmen on completion of 240 days. It has been further argued by the learned counsel for the petitioner that entitlement of regularization on completion of 240 days is subject to availability of vacancies, and since vacancies were available only in September, 1999, the services of the workmen were accordingly regularized.

This fact of regularizing the services of the workmen was not disputed by the learned counsel for the respondents.

In view of the above, the cause in this writ petition does not survive. However, as requested by the learned counsel for the petitioner, it is made clear that the workmen shall be considered for regularization, as per the award of the Industrial Tribunal, provided there were vacancies prior to September, 1999, and if there are no vacancies, the respondents are not obligated to comply with the orders of the Industrial Tribunal.

With these observations, the writ petition is disposed of. No order as to costs.

Pending miscellaneous applications, if any, shall stand closed in consequence.

ABHINAND KUMAR SHAVILI, J

Date: 12.09.2018
Dsr