

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.19470 of 2001

ORDER:

This Writ Petition is filed seeking the following relief:

“to issue a writ order or direction more particularly one in the nature of writ of Mandamus declaring the orders in I.T.I.D.(c) No.21/ 1999 dt.19.3.2001 on the file of the Industrial Tribunal-I, Hyderabad as illegal, arbitrary and unsustainable in law and set aside the same and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

Heard Sri P.Pusala Ponna Rao, learned standing counsel for Central Government, learned Government Pleader for Labour appearing for the petitioners and Sri J.Ramachandra Rao, learned counsel for 2nd respondent-workman.

It is the case of the petitioners that the 2nd respondent-workman was engaged as an auto driver by them from 1988 to 1996 purely on temporary basis only for the officers and the hostel inmates who were mostly Russians and the engagement has nothing to do with the administration of Navy. As the inmates of the hostel left in 1996, two autos, including the auto driven by the 2nd respondent-workman, were put to auction and the same were purchased by the respective drivers. After three years subsequent to disengagement, the 2nd respondent filed I.T.I.D. No.(C) 21 of 1999 on the file of the first respondent claiming that his disengagement amounts to retrenchment and so, the same is violative of Section 25F of the Industrial Disputes Act, and an award was

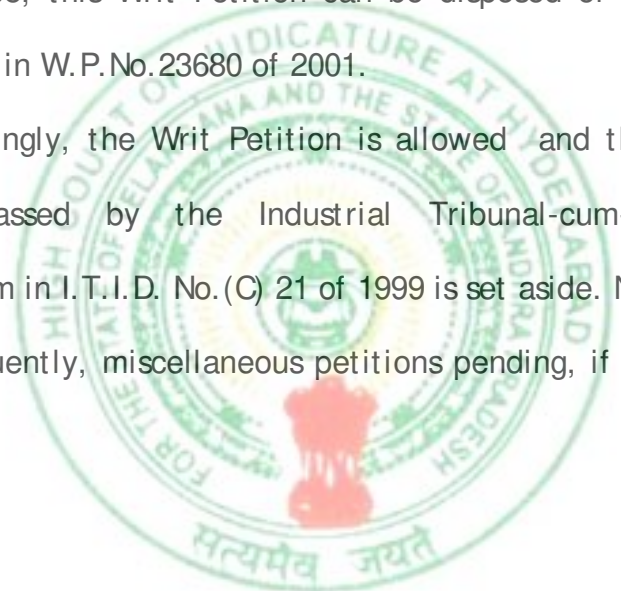
passed by the first respondent directing to reinstate him with back wages and continuity of service. Hence, the Writ Petition.

When this matter is taken up for hearing, it is brought to the notice of this Court by the learned counsel for the petitioners that the issue involved in this case is similar to the orders passed in WP.No.23680 of 2001 dated 6.9.2005 wherein the award dated 19.3.2001 passed therein by the Industrial Tribunal-cum-Labour Court, Visakhapatnam in I.T.I.D.No. 16 of 1999 was set aside and the writ petition was allowed.

Therefore, in view of the orders passed in WP.No.23680 of 2001 dated 6.9.2005, this Writ Petition can be disposed of in terms of the orders passed in W.P.No.23680 of 2001.

Accordingly, the Writ Petition is allowed and the award dated 19.3.2001 passed by the Industrial Tribunal-cum-Labour Court, Visakhapatnam in I.T.I.D. No.(C) 21 of 1999 is set aside. No costs.

Consequently, miscellaneous petitions pending, if any, shall stand closed.



ABHINAND KUMAR SHAVILI, J

Dated: 20/ 08/ 2018

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