

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.Nos.9507 & 11438 OF 2008

COMMON ORDER

Since the issue involved in both the writ petitions is one and the same, they are being heard together and disposed of by this common order.

W.P.No.9507 of 2008 is filed seeking to issue a writ of Certiorari calling for the records relating to and connected with the Award dated 18.2.2008 passed in I.D.No.60 of 2004 by the Industrial Tribunal-cum-Labour Court, Warangal, and to quash or set aside the same by holding it as arbitrary and illegal.

W.P.No.11438 of 2008 is filed seeking to issue a writ of Certiorari calling for the records relating to and connected with the Award dated 28.3.2008 passed in M.P.No.32 of 2004 by the Industrial Tribunal-cum-Labour Court, Warangal, and to quash or set aside the same by holding it as arbitrary and illegal.

Heard Sri Kowturu Vinaya Kumar, learned counsel appearing for the petitioners, learned Government Pleader for Labour appearing respondents 1 and 2 and Sri Abdul Khader, learned counsel appearing for the 3rd respondent-workman.

For the sake of convenience, the facts in W.P.No.9507 of 2008 are discussed hereunder:

It is the case of the petitioner that the 3rd respondent-workman was only Evangelist of the Church and was voluntarily serving the Church and that there is no master and servant relationship between the petitioner and the 3rd respondent. The 3rd respondent himself styled as Ex-Warden of M.S.Hostel, Kothalingala, and alleged that he was terminated from service *vide* order dated 7.2.2003, approached the Tribunal by filing I.D.No.60 of 2004. The Tribunal *vide* order dated 18.2.2008 allowed the same without appreciating the fact that there is no master and servant relationship between the petitioner and the workman; that the petitioner is a Church and it is not engaged in any other industrial activity and does not come within the meaning of the Industrial Disputes Act, 1947 (for short 'the Act').

Learned counsel appearing for the petitioners contends that the Awards passed by the Tribunal are arbitrary, illegal, and contrary to law.

Learned counsel appearing for the 3rd respondent contends that the Tribunal has rightly passed the Award; that no illegality or irregularity has been pointed out by the petitioners and that no material is placed before the Court to

demonstrate that the 'Church' does not fall within the meaning of the 'Industry'.

Having considered the rival submissions made by the learned counsel on either side, this Court is of the view that the Tribunal has rightly passed the Award in favour of the 3rd respondent. Unless and until a grave irregularity has been pointed by the petitioners, this Court is not inclined to interfere with the Award passed by the Tribunal. There are no merits in both the writ petitions and the same are liable to be dismissed.

Accordingly, both the Writ Petitions are dismissed. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

25th October, 2018
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