

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.13471 OF 2004

ORDER

This writ petition is filed seeking to issue a Writ of Certiorari calling for the records relating to and connected with the Award dated 4.3.2004 passed in I.D.No.53 of 2001 by the Industrial Tribunal-cum-Labour Court, Visakhapatnam and to quash or set aside the same by holding it as arbitrary and illegal.

Heard Sri V.Ajay, learned counsel appearing for the petitioners and learned Government Pleader for Labour appearing for the respondents 2 and 3.

It is the case of the petitioners that the 1st respondent-workman was appointed on casual basis by the Divisional Co-operative Officer and he was never appointed on regular basis. As per Section 116 (C) of the A.P.Co-operative Societies Act, the staffing pattern of Society has been prescribed and the post held by the 1st respondent was not a sanctioned post coming within the permissible limit of sanctioned strength, and hence, his services were disengaged on 28.2.2001. The 1st respondent had challenged the disengagement of his services before the Tribunal by filing I.D.No.53 of 2001 under Section 2-A (2) of the Industrial Disputes Act, 1947. The Tribunal *vide*

order dated 4.3.2004 passed order in favour of the 1st respondent directing the petitioners to reinstate the 1st respondent-workman with continuity of service and back wages. Challenging the same, the present writ petition is filed.

Learned counsel appearing for the petitioners contends that the 1st respondent was never appointed on regular basis, but he was appointed on casual basis; that based upon the objection raised by the Divisional Co-operative Officer, the services of the 1st respondent were disengaged after passing resolution to that effect; that the Labour Court without appreciating any of the contentions raised by then petitioners, had mechanically allowed the ID preferred by the 1st respondent-workman and that appropriate orders be passed setting aside the Award passed in the said ID.

Learned Government Pleader appearing for respondents 2 and 3 contends that the Labour Court has rightly passed the Award in favour of the 1st respondent and that there is no illegality or irregularity in the said Award.

Having considered the rival submissions made by the learned counsel on either side, this Court is of the considered view that the Labour Court has rightly passed the Award in favour of the 1st respondent and that unless and until the petitioners could not point out any illegality or irregularity in

the Award passed by the Labour Court, this Court is not inclined to interfere with the same. There are no merits in the writ petition and the same is liable to be dismissed.

Accordingly, the Writ Petition is dismissed. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

4th December, 2018

rkk

