

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.23560 OF 2003

ORDER:

1. This writ petition is filed seeking to issue a writ of *mandamus* declaring the Award, dated 19.07.2003, passed in I.D. No.637 of 2000 by the 2nd respondent Labour Court and quash the same holding it as illegal and arbitrary.

2. Heard Sri P.B.Vijay Kumar, learned counsel for the petitioners company, and Sri G.Abdul Khader, learned counsel for the 1st respondent workman.

3. It has been contended by the petitioner that it is a public sector undertaking and the 1st respondent workman was intermittently engaged with the company as and when there was work. He has not completed 240 days of service and, hence, he is not entitled for any relief. Contending that the petitioner company has **illegally** terminated his services without following due process of law, he filed I.D. No.637 of 2000 on the file of the 2nd respondent-Labour Court under Section 2-A (2) of the Industrial Disputes Act, 1947 seeking to reinstate him into service and to pay back wages with all other attendant benefits. It has been further contended that the petitioner company has paid all the benefits to the 1st respondent and he filed the I.D. against the company seeking to reinstate him into service and to pay back wages with all other attendant benefits and, therefore, the question of reinstating him into service and to pay back wages with all other attendant benefits does not arise. However, the Labour Court has erroneously allowed the I.D. filed by the 1st respondent *vide* orders dated 19.07.2003 and directed the petitioner company to reinstate the 1st respondent into service with back wages of 26% from the month of January 2000 to that date within one month from the date of publication of

the Award. It was further stated therein that the 1st respondent is entitled for continuity of service and all other attendant benefits. The same is challenged in the present writ petition.

4. Learned counsel for the 1st respondent workman has contended that the Labour Court has rightly adjudicated the case in favour of the 1st respondent and no illegality or irregularity has been pointed out in the orders passed by the Labour Court and there are no merits in the writ petition and the same is liable to be dismissed.

5. I have considered the submissions of the learned counsel on either side and perused the record. This Court while admitting the writ petition granted *interim* suspension of the impugned order on condition of the petitioner depositing half of the awarded amount by the Labour Court, *vide* orders dated 10.11.2003 in W.P.M.P. No.29597 of 2003. Now, the only issue is with regard to payment of balance 50% of the compensation amount as determined by the Labour Court to the 1st respondent. The petitioner company has not pointed out any illegality or error on the face of the record. The Labour Court has rightly passed the impugned orders in favour of the 1st respondent after elaborate discussion and appreciating the case of the 1st respondent. Unless and until any grave illegality or irregularity is pointed by the petitioner company in the orders of the Labour Court, this Court cannot interfere with the findings of the Labour Court. The writ petition is devoid of merits and the same is liable to be dismissed.

6. Accordingly, the Writ Petition is dismissed. No order as to costs.

7. Consequently, miscellaneous petitions, if any, pending in this writ petition shall stand closed.

ABHINAND KUMAR SHAVILI, J

Date: 23.11.2018.
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