

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.25448 OF 2003

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 29.8.2002 passed in I.D.No.17 of 1999 by the Additional Industrial Tribunal-cum-Additional Labour Court, Hyderabad and to quash or set aside the same by holding it as arbitrary and illegal.

Heard learned Standing Counsel appearing for the petitioner and learned Government Pleader for Labour appearing for the 1st respondent.

It is the case of the petitioner-Corporation that the respondent-workman was a part-time contingent employee and he was not engaged on regular basis; that the Hyderabad Division of the petitioner-Corporation was closed on 30.06.1997; that the services of the respondent-workman was disengaged; that challenging the same, the respondent-workman had filed I.D.No.17 of 1999 under Section 2-A (2) of the Industrial Disputes Act, 1947 (for short 'the Act') before the Additional Industrial Tribunal-cum-Additional Labour Court, Hyderabad. The Labour Court passed Award on 29.8.2002 directing the petitioner-Corporation to reinstate the

respondent-workman into service with continuity of service and with all attendant benefits, but without back wages. Challenging the same, the present writ petition is filed.

While admitting the writ petition on 5.12.2003, this Court granted interim suspension of the impugned Award, except reinstatement of the respondent-workman into service. In pursuance thereof, the respondent-workman was reinstated into service and continued till he attained the age of superannuation.

Learned Standing Counsel appearing for the petitioner-Corporation contends that the respondent-workman was a temporary contingent employee and he was not appointed on regular basis; that he is entitled for the salary for the period which he worked till he attained the age of superannuation; that the Labour Court had mechanically passed the impugned Award and the same is liable to be set aside.

Having considered the said submissions, this Court is of the considered view that the Labour Court has taken into consideration the contentions raised by the petitioner, and has rightly passed the Award in favour of the respondent-workman. Unless a grave illegality or irregularity has been pointed out by the petitioner-Corporation, 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

14th November, 2018
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