

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.21252 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 3.3.2003 passed in I.D.No.76 of 2000 by the Industrial Tribunal-cum-Labour Court, Visakhapatnam, and to quash or set aside the same by holding it as arbitrary and illegal.

Heard learned Government Pleader for Social Welfare appearing for the petitioners and Sri C.Subhodh, learned counsel appearing for the 2nd respondent.

It is the case of the petitioners that the 2nd respondent-workman was engaged on daily wage basis on 24.6.1986 and while working as such, he had voluntarily abandoned the services on 15.4.1988. After lapse of nearly 12 years, the respondent-workman raised I.D.No.76 of 2000 under Section 2-A (2) of the Industrial Disputes Act, 1947. The Labour Court passed an Award on 3.3.2003 and directed the petitioners to reinstate the respondent-workman into service without back wages and without continuity of service. Challenging the same, the present writ petition is filed.

Learned counsel appearing for the petitioners submits that when the respondent-workman left the services on his own, the Labour Court ought not to have directed reinstatement of the 2nd respondent-workman into service and that the writ petition is liable to be allowed.

Learned counsel appearing for the respondent-workman contends that the Labour Court has rightly passed the Award in favour of the respondent-workman and there is no illegality or irregularity in the Award passed by the Labour Court.

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 respondent-workman. Unless a grave irregularity or illegality has been pointed out by the petitioners, this Court is not inclined to interfere with the Award passed by the Labour Court. 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

19th November, 2018
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