

THE HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.179 of 2004

ORDER

This writ petition is filed seeking a writ of certiorari to quash the order dated 02.12.2003 passed in I.D.No.154 of 1997 by the Labour Court, Guntur, the first respondent.

2. Heard learned counsel for the petitioner, learned Government Pleader for Labour for the first respondent and Sri K.S.Murthy, learned counsel for the second respondent-workman.

3. The petitioner contended that it is a registered company engaged in manufacturing of cotton and blended yarn and that while the second respondent was working as Sweeper in the said company, he was suspended on the ground of his absence from duties without any valid cause and that after enquiry, he was removed from service by order dated 25.04.1997 and challenging the said orders, the second respondent filed I.D.No.154 of 1997 before the first respondent and the same was allowed holding that the domestic enquiry was vitiated for non-supply of material documents and also for the reasons stated in the said order and challenging the said order, the petitioner filed the present writ petition.

4. This Court, while admitting the writ petition on 06.01.2004, was pleased to grant interim stay of the orders passed by the Labour Court.

5. Learned counsel for the petitioner contends that the Labour Court ought not to have held that the enquiry was vitiated as every opportunity was given to the second respondent before conducting the enquiry and that the Labour Court ought to have decided the issue on merits.

6. Learned counsel for the second respondent-workman contended that the Labour Court has rightly held that the enquiry against the second respondent was vitiated for non supply of crucial documents, based on which, his services were removed by the petitioner and there are no merits in the writ petition.

7. This Court, having considered the said submissions, is of the considered view that the Labour Court has rightly passed the order impugned and there is no irregularity or illegality warranting interference by this Court and there are no merits in the writ petition and the same is liable to be dismissed. However, the petitioner is directed to consider the case of the second respondent and pass appropriate orders within four weeks from the date of receipt of a copy of this order.

8. With the above direction, the Writ Petition is disposed of. No order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

ABHINAND KUMAR SHAVILI, J

27th November, 2018

sj