

**THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI**

**WRIT PETITION No.7565 of 2002**

**ORDER:**

This writ petition is filed seeking to issue a writ of Certiorari calling for the records connected with I.D.No.16 of 1998 on the file of the Industrial Tribunal I at Hyderabad and quash the award dated 20.9.2001.

Heard Sri J.Srinivas Rao, learned Standing Counsel for the petitioner company and Sri A.K.Jaya Prakash Rao, learned counsel for the 2<sup>nd</sup> respondent .

It has been contended by the petitioner company that the 2<sup>nd</sup> respondent union had raised a dispute before the Conciliation Officer contending that the employees working in 'B' Power House are entitled for special allowance on par with workers working in Coal Screening Plant and Coal Handling Plant and the Conciliation Officer had submitted a report to the Government. Thereafter, the Government had referred the dispute to the Industrial Tribunal under Section 10(1)(d) of the Industrial Disputes Act and the same was numbered as I.D.No.16 of 1998. It has been further contended by the petitioner company that the Industrial Tribunal I has passed

orders on 20.9.2001 in favour of the 2<sup>nd</sup> respondent union holding that they are entitled for special allowance on par with the workers working in Coal Screening Plant and Coal Handling Plant. Aggrieved by the same, the present writ petition is filed.

Learned Standing Counsel appearing for the petitioner company had contended that the nature of duties performed by the 'B' Power House and the nature of duties performed by Coal Screening Plant and Coal Handling Plant are different, the workers working in 'B' Power House are not exposed to any pollution and no special allowance is being granted, whereas the workers working in Coal Screening Plant and Coal Handling Plant are exposed to dust. Learned Standing Counsel further contended that while the dispute was pending before the Industrial Tribunal, the Tribunal had appointed an Advocate Commissioner and based upon the Advocate Commissioner's report, the Tribunal had passed orders granting special allowance to 'B' Power House employees. It has been further contended by the learned Standing Counsel that that the order passed by the Industrial Tribunal is liable to be set aside as no material has been placed by the 2<sup>nd</sup> respondent union to demonstrate that the employees working in 'B' Power House are entitled for special allowance.

Learned counsel appearing for the 2<sup>nd</sup> respondent had contended that 'B' Power House employees are entitled for special allowance on par with workers working in Coal

Screening Plant and Coal Handling Plant and this fact was taken care by the Industrial Tribunal and after being satisfied with the nature of duties performed by the 'B' Power House employees, special allowance was granted and that the petitioner company has not pointed out any irregularity or illegality in the orders passed by the Industrial Tribunal and, hence, the writ petition is liable to be dismissed.

Considering the submissions made by the parties, this Court is of the considered view that the Industrial Tribunal had rightly passed orders in favour of the 2<sup>nd</sup> respondent holding that the employees working in 'B' Power House are entitled for special allowance on par with the employees working in Coal Screening Plant and Coal Handling Plant and no illegality has been pointed out by the petitioner company in the orders passed by the Industrial Tribunal. Therefore, there are no merits in the writ petition.

Accordingly, the Writ Petition is dismissed. There shall be no order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

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**ABHINAND KUMAR SHAVILI, J**

**Date: 05/11/2018**

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