

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.23591 OF 2006

ORDER (ORAL):

This Writ Petition is filed seeking writ of *certiorari* to call for the records in I.D. No.315 of 2000 on the file of Industrial Tribunal - cum - Labour Court, Anantapur, and to quash the award dated 14.07.2006 passed therein by the Labour Court as arbitrary, illegal and violative of Articles 14 and 16 of the Constitution of India.

2. Heard Sri N. Siva Reddy, learned standing counsel for the petitioners - A.P. Transmission Corporation Limited, and Sri S.D. Gowd, learned counsel for respondent No.2 - workman.

3. It has been contended by the learned standing counsel for the petitioners that the workman was intermittently engaged by them through a contractor and he was not employed directly by the petitioners. The workman had filed I.D. No.315 of 2000 before the Labour Court under Section 2-A(2) of Industrial Disputes Act, 1947, contending that he was illegally terminated by the petitioners and the Labour Court vide orders dated 14.07.2006 erroneously allowed the industrial dispute without appreciating any of the contentions raised by the petitioners. The learned standing counsel further contended that the Labour Court erroneously gave a direction to absorb the workman in terms of B.P. (P & G Per) Ms. No.36 dated 18.05.1997 with continuity of service on par with other employees who were absorbed under the said proceedings of the Personnel Officer dated 18.05.1997. The learned standing counsel

for the petitioners further contended that Ex.M-3 relied upon by the workman was without any authenticity as it was not signed by the officials of the petitioners and vigilance officer's report also supported the case of the petitioners to the effect that the workman was not working with the petitioners and despite the same, the Labour Court has erroneously allowed the industrial dispute preferred by the workman.

4. The learned counsel for respondent No.2 - workman contends that the Labour Court had rightly passed the award in favour of the workman on appreciating the entire evidence on record and the contractor, through whom the workman was engaged, was also examined before the Labour Court and the petitioners are paying wages under Section 17-B of Industrial Disputes Act, 1947. It is further contended that no grave irregularity or illegality has been pointed out by the petitioners so as to interfere with the order challenge, and, therefore, there are no grounds to entertain this writ petition.

5. Having considered the rival submissions made by the learned counsel on either side and in the absence of any grave irregularity or illegality being pointed out by the petitioners, this Court is of the considered view that the Labour Court has rightly passed the award impugned in favour of the workman and there are no merits to entertain this writ petition.

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

As a sequel thereto, Miscellaneous Petitions, if any, pending in the present writ petition stand closed.

ABHINAND KUMAR SHAVILI, J

November 6, 2018.
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