

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 23999 of 2003

ORDER:

1. This writ petition is filed seeking to issue a writ of certiorari calling for the records relating to and connected with I.D.No.180 of 1999 on the file of the 1st respondent and quash the award dated 5.12.2002 passed therein holding it as illegal and arbitrary.

2. Heard and perused the material available on record.

3. It has been contended by the petitioner that the 2nd respondent workman was engaged as Non-Technical Mastry in the Civil Engineering Department, Cuddapah on 21.8.1978 on a consolidated monthly wages of Rs.180/- per month and he was removed from service on 15.10.1979, and then, he raised a dispute before the Assistant Commissioner of Labour, Cuddapah, and the Government referred the dispute to the labour Court, and the labour Court vide order dated 22.4.1987 in I.D.No.68 of 1987 directed the petitioner herein to reinstate the workman with continuity of service and back wages and thereafter, the workman was reinstated into service and back wages were paid. Further, it has been contended by the petitioner that the workman was selected for regular appointment by the Selection Committee and he was appointed

as NTM in the time scale of Rs.165-5-190-6-250 w.e.f. 27.1.1979 by proceedings dated 7.2.1989, however, Corrigendum dated 5.7.1991 was issued to the orders passed on 7.2.1989 to the effect that the pay of the workman was fixed notionally and that he is not entitled to arrears of pay on such notional fixation, however, the workman was allowed difference of wages from the date of Selection Committee proceedings dated 4.10.1988 regularizing the workman as Non-Technical Mastry, and accordingly, difference of wages were calculated as per corrigendum dated 5.7.1991 and Rs.20,508.46 ps., were paid to the workman. Further, it has been contended by the petitioner that in the meantime, the workman filed MP No.52/1989 under Section 33(C)(2) of the Industrial Disputes Act claiming Rs.91,572/- towards salary from 1.1.1979 to 1.1.1989, however the Labour Court disposed of the M.P. with a direction to pay an amount of Rs.3,368.10 ps., being the difference of wages, which were already paid, and that the workman also filed W.P.No.10016 of 1988 for proper fixation of his pay on par with his co-workers of the same category, and this Court without expressing any opinion on pay fixation for the period from 1979 to 1988, W.P.No.10016/88 was disposed of on 14.2.1996 with liberty to the workman to raise in appropriate forum, and then, the workman filed I.D.No.180 of 1999 before the Labour Court and the Labour Court passed award with a direction to pay difference of wages of Rs.180/- per month on

consolidated wages, as already paid, and the wages in the time scale of NTM for the period from 27.1.1979 to 31.10.1988 towards full back wages. Aggrieved by the same the present writ petition is filed by the petitioner.

4. Learned counsel for the 2nd respondent has contended that the Labour Court has rightly passed the award in favour of the workman and, therefore, no interference is called for.

5. This Court, having considered the submissions made by the learned Counsel for the parties, is of the considered view that when once the Labour Court had exercised the power under Section 11-A of the Industrial Disputes Act, unless and until any illegality or irregularity is pointed out by the learned standing counsel for the petitioner corporation in the award passed by the Labour Court, this Court cannot interfere with the award. There are no merits in the writ petition.

6. Accordingly, the Writ Petition is dismissed. Consequently, miscellaneous petitions, if any, pending in the writ petition shall stand closed. No order as to costs.

ABHINAND KUMAR SHAVILI, J

19th December, 2018
Nn

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI



Writ Petition No.23999 of 2003
(dismissed)

19th December, 2018

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