

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 16610 of 2004

ORDER:

This writ petition is filed seeking to issue a writ of certiorari calling for the records relating to and connected with M.P.No.10 of 2002 on the file of the 2nd respondent-Labour Court and quash the order dated 29.03.2004 passed therein holding it as illegal and arbitrary.

While admitting the writ petition, this Court granted interim stay of the impugned order on condition of the petitioner depositing Rs.25,000/- within six weeks, vide orders dated 23.09.2004 in WPMP No.21675 of 2004.

Learned standing counsel for the petitioner submits that the 1st respondent has filed M.P.No.10 of 2002 on the file of the 2nd respondent-Labour Court under Section 33-C(2) of the Industrial Disputes Act claiming 43,358/- towards salary from 19.12.1996 to 03.05.1972 and Rs.5,000/- towards cash award performance, in total Rs.48,358/- and the Labour Court, without appreciating any of the contentions raised by the petitioner, mechanically passed the impugned orders in favour of the 1st respondent and, hence, the impugned orders are liable to be set aside.

On the other hand, learned counsel for the 1st respondent contends that the Labour Court has rightly passed the orders in favour of the 1st respondent and no irregularity or illegality has been pointed

out by the petitioner and in the absence of the same, normally this Court should not interfere with the orders passed by the Labour Court.

This Court, having considered the rival submissions made by the parties, is of the considered view that the Labour Court has rightly passed the orders in favour of the 1st respondent. Further, no illegality or irregularity is pointed out by the learned standing counsel for the petitioner in the impugned orders. In pursuance of the interim orders passed by this Court, the petitioner has already deposited Rs.25,000/-. The only issue is about payment of balance amount of Rs.23,358/-. A perusal of the record also discloses that the 1st respondent must be aged about 80 years as on today. Therefore, ends of justice would be met, if the balance amount is directed to be paid to the 1st respondent. Since no illegality or irregularity has been pointed by the learned standing counsel for the petitioner in the orders passed by the Labour Court, this Court is not inclined to interfere with the orders of the Labour Court. The writ petition is devoid of merits and the same is liable to be dismissed.

With the above observation, the writ petition is dismissed. There shall be no order as to costs.

Consequently, miscellaneous petitions, if any, pending in the writ petition shall stand closed. No order as to costs.

ABHINAND KUMAR SHAVILI, J

28th December, 2018
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Writ Petition No.16610 of 2004
(dismissed)

28th December, 2018

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