

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.3972 OF 2003

ORDER (ORAL):

This Writ Petition has been filed seeking a Writ of Certiorari calling for the records relating to I.D. No.90 of 2000 dated 26.11.2002 and to quash the order dated 26.11.2002 passed therein by respondent No.4 viz., The Chairman, Industrial Tribunal - cum - Labour Court, Visakhapatnam, holding the same as illegal, arbitrary and violative of Articles 14, 16 and 21 of the Constitution of India.

2. Heard Sri C. Srinivasa Baba, learned counsel for the petitioner, and Sri A. Krishnam Raju, learned standing counsel for respondent Nos.1 to 3.

3. It has been contended by the petitioner that he was appointed as Junior Assistant on 06.12.1997 by respondent No.1 and he was posted to work at Calcutta Branch of respondent No.1. The petitioner contends that he was illegally discontinued from the service by respondent No.3 vide orders dated 09.06.1999. He had filed I.D. No.90 of 2000 before the Industrial Tribunal - cum - Labour Court, Visakhapatnam under Section 2A(2) of Industrial Disputes Act, 1947. The Labour Court vide orders dated 26.11.2002 had declined to entertain the petitioner's industrial dispute on the ground that it has no territorial jurisdiction to entertain the case as the termination orders were passed by the Calcutta branch office of respondent No.1 and the petitioner was terminated while

he was discharging his duties at Calcutta. Challenging the same, the present Writ Petition is filed by the petitioner.

4. The learned counsel for the petitioner contends that the appointment orders of the petitioner were issued by the Head office of respondent No.1 at Visakhapatnam and even the termination orders were also issued by the Head Office and hence a part of cause of action has arisen in the State of Andhra Pradesh and the action of the Labour Court in rejecting the industrial dispute preferred by the petitioner is arbitrary.

5. The learned standing counsel appearing for respondent Nos.1 to 3 had contended that the Labour Court has rightly rejected the industrial dispute preferred by the petitioner as the termination orders were issued by the Calcutta branch office of respondent No.1 and the petitioner was terminated from service while he was discharging his duties at Calcutta, and, thus, there are no merits, and, therefore, the writ petition is liable to be dismissed.

6. Having considered the rival submissions made by the learned counsel on either side, this Court is of the considered view that the Labour Court has rightly rejected the industrial dispute for want of territorial jurisdiction. Admittedly, the petitioner was working at Calcutta and termination orders were issued by the Calcutta branch office of respondent No.1. Hence, there are no merits to entertain this writ petition.

7. 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 dismissed.

ABHINAND KUMAR SHAVILI, J

November 6, 2018.
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