

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.20187 OF 2003

ORDER

This writ petition is filed seeking to issue a Writ of Certiorari calling for the records relating to and connected with the Award dated 30.12.2002 passed in I.D.No.103 of 1999 by the Industrial Tribunal-I, Hyderabad, and to quash or set aside the same by holding it as arbitrary and illegal.

Heard learned Government Pleader for Irrigation appearing for the petitioner.

It is the case of the petitioner that the 1st respondent-workman was engaged on daily wage basis and worked for only short spells between 9-2-1988 to 18-5-1988 and 22-5-1988 to 13-6-1988. Whenever there was no work, their services would be stopped. Accordingly, the services of the 1st respondent were disengaged with effect from 20-12-1995. Challenging the same, the 1st respondent-workman raised I.D.No.103 of 1999 under Section 2-A (2) of the Industrial Disputes Act, 1947. The Industrial Tribunal passed an Award on 31.12.2002 and directed the petitioner to reinstate the respondent-workman into service by regularizing his services in terms of G.O.Ms.No.212, dated 22.4.1994. Challenging the same, the present writ petition is filed.

Learned counsel appearing for the petitioner submits that without appreciating the fact that the 1st respondent-workman was engaged on daily wage basis and had not completed 240 days of service, and as such he is not entitled to the benefits of G.O.Ms.No.212, dated 22.4.1994, the Tribunal erroneously directed reinstatement of the 1st respondent-workman into service and therefore, the writ petition is liable to be allowed.

Having considered the submission made by the learned counsel appearing for the petitioner, and having regard to the facts and circumstances of the case, this Court is of the considered view that the Labour Court has rightly passed the Award in favour of the 1st respondent-workman since he has completed five years nine months of service as NMR as on 25.11.1993. Unless a grave irregularity or illegality has been pointed out by the petitioner, this Court is not inclined to interfere with the Award passed by the Labour Court. There are no merits in the writ petition and the same is liable to be dismissed.

Accordingly, the Writ Petition is dismissed. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

19th November, 2018

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