

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.11452 OF 2004

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 3.3.2003 passed in I.D.No.76 of 2000 by the Industrial Tribunal-cum-Labour Court, Visakhapatnam, and to quash or set aside the same by holding it as arbitrary and illegal.

Heard Sri C.Subodh, learned counsel appearing for the petitioner, learned Government Pleader for Labour appearing for the 1st respondent and learned Government Pleader for Social Welfare appearing for the 2nd respondent.

It is the case of the petitioner that initially, he was appointed as Komattee-cum-Cook by the 2nd respondent in the 3rd respondent-Government Boys Hostel on 24.6.1986, and continued till 15.04.1988. Respondents 2 and 3 have given artificial breaks for every 89 days and again he was re-engaged. While working as such, without assigning any reasons, respondents 2 and 3 have terminated the services of the petitioner *vide* order dated 15.4.1988.

The grievance of the petitioner is that the persons, who were appointed along with him were continued, and several

others were also appointed after his termination. Challenging the termination, the petitioner had filed I.D.No.76 of 2000 before the Industrial Tribunal-cum-Labour Court, Visakhapatnam, under Section 2-A(2) of the Industrial Disputes Act, 1947. The Tribunal passed an Award on 03.03.2003 directed the respondents to reinstate the petitioner into service, without continuity of service and without back wages. Challenging the same, the present writ petition is filed.

Learned counsel appearing for the petitioner submits that the even though the petitioner is entitled to continuity of service and back wages, Labour Court erred in denying same.

Learned Government Pleader appearing for the respondents submits that the petitioner was terminated way back in the year 1988 as he had voluntarily abandoned his services; that he approached the Tribunal only after lapse of 12 years contending that he was illegally terminated from service; and that the relief sought for by the petitioner cannot be granted.

Having considered the rival submissions, made by the learned counsel on either side, this Court is of the considered view that the Tribunal had rightly passed the Award by denying back wages and continuity of service. Unless a grave illegality or irregularity has been pointed out by the petitioner,

this Court cannot interfere with the Award passed by the Tribunal. 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

3rd December, 2018

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