

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION Nos. 7579 OF 2002 and 7607 OF 2002

ORDER :

Both the Writ Petitions are disposed of by way of a common order, as the issue raised in both the Writ Petitions is one and the same.

2. For the sake of convenience, the facts in W.P.No.7579/2002 are discussed hereunder:

3. This Writ Petition is filed seeking to issue a writ of certiorari calling for the records relating to order in I.D.No.256 of 1998 passed by the first respondent dated 18-12-2001 and to quash the same and consequently direct the second respondent to reinstate the petitioner into service in the second respondent's establishment with continuity of service, back wages and other attendant benefits.

4. Heard Mr.V.Venugopala Rao, counsel for the petitioner and the Standing Counsel for the respondents.

5. It has been contended by the petitioner that he was initially appointed as Casual Kalasi by the 2nd respondent during the year 1986. While he was discharging his duties, the respondents have terminated his services with effect from 1.1.1993. Challenging the said termination orders, the petitioner has filed ID No.256 of 1998 u/s 2(A) 2 of the I.D.Act and the Industrial Tribunal, vide orders dated 18.12.2001 dismissed the ID without granting any relief. Challenging the same, the present Writ Petition is filed.

6. It has been contended by the counsel for the petitioner that the Industrial Tribunal has mechanically passed orders without appreciating any of the contentions raised by the petitioner. The Labour Court ought to have exercised its powers under Section 11-A of the Industrial Disputes Act and

directed for reinstatement of the petitioner and the Writ Petition is to be allowed and the respondents be directed to reinstate the petitioner into service.

7. The Standing Counsel for the respondents contended that there is no sanctioned post of Kalasi and therefore considering the case of the petitioner for reinstatement into service would not arise. There are no merits in the Writ Petition and the Writ Petition is liable to be dismissed.

8. Having considered the submissions made by the parties, this Court is of the considered view that both the Writ Petitions can be disposed of, directing the petitioners to make a fresh representation to the respondents from the date of receipt of a copy of this order within one week, and, upon such representation being received, the respondents are directed to engage them in any suitable posts and pass appropriate orders within a period of four weeks thereafter.

9. With this direction, Writ Petitions are disposed of.

10. Consequently, the Miscellaneous Petitions pending, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

19th November, 2018

GS