

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.6815 of 2002

ORDER:

This writ petition is filed seeking Certiorari calling for the records relating to and connected with M.P.No.20 of 1997 dated 07.09.2001 and quash and set aside the same and to direct the respondents to pay an amount of Rs.16,822.70 ps., together with interest.

2. Heard Sri P.B. Vijaya Kumar, learned counsel for the petitioner and Smt. P. Sarada, learned standing counsel for the 1st respondent-Devasthanam.

3. The case of the petitioner is that she was appointed as Staff Nurse on 03.01.1994 and worked upto 1995. Without any notice, she was terminated from service in the year 1995. The principal grievance of the petitioner is that, while terminating her services, procedure contemplated under the rules has not been followed and pay in lieu of three months' notice was not given. In those set of circumstances, she filed M.P.No.20 of 1997 before the Industrial Tribunal-cum-Labour Court, Anantapur under Section 33 (C) (2) of the Industrial Disputes Act, 1947 ("the Act" for brevity). The Tribunal has considered the case of the petitioner and passed order dated 07.09.2001, dismissing the claim of the petitioner. Challenging the same, the present writ petition is filed.

4. It has been contended by the learned counsel for the petitioner that petitioner was illegally terminated without following due process of law and many of the juniors to the petitioner were continued and their services were regularized; therefore, the petitioner is entitled for

retrenchment compensation and the Tribunal erred in dismissing the M.P. filed by the petitioner.

5. Smt. P. Sarada, learned standing counsel for the 1st respondent-Devasthanam has contended that the petitioner was never appointed on regular basis and it is only on contract basis that she was appointed and the moment the tenure of contract is over, services of the petitioner would automatically be terminated.

6. This Court, having considered the rival submissions of the learned counsel for the parties, is of the considered view that when the petitioner has reconciled about the termination and has not preferred any I.D., by filing application under Section 2-A (2) of the Act or at least initiated conciliation proceedings before the appropriate authority. The fact that the petitioner has filed M.P., referred above, seeking retrenchment compensation itself demonstrates that the petitioner has reconciled about the termination. Moreover, when once petitioner was appointed on temporary basis, the question of granting retrenchment compensation would not arise; more so when the contention of the 1st respondent-Devasthanam is that the petitioner was appointed on contract basis.

7. Writ petition is devoid of merits and is accordingly dismissed. No order as to costs.

As a sequel, miscellaneous petitions, if any pending, shall stand closed.

ABHINAND KUMAR SHAVILI, J

July 26, 2018
MRR