

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.10986 OF 2005

ORDER

This writ petition is filed seeking the following relief:

“To issue an appropriate writ, order or direction more particularly in the nature of Writ of Certiorari and to call for the records relating to and connected with the I.D.No.186/2001, dated 9.12.2004 passed by the 2nd respondent herein and to quash or set aside the same and to pass such other order or orders which are deemed fit and proper in the circumstances of the case.”

Heard Sri C.V.Rammohan Reddy, learned counsel appearing for the petitioner and Learned Government Pleader for Labour appearing for respondents 2 and 3.

It is the case of the petitioner that the 1st respondent-workman was appointed as Steward in the petitioner-Management on 24.05.1999. While he was discharging his duties as such, he had absented to his duties. Construing this incident as misconduct, the Management terminated the services of the 1st respondent-workman on 2.5.2001. Aggrieved by the same, the 1st respondent had filed I.D.No.186 of 2001 under Section 2-A(2) of the Industrial Disputes Act, 1947 (for short 'the Act') before the Labour Court-I, Hyderabad. The Labour Court passed Award on 9.12.2004 and partly allowed the claim made by the 1st respondent-workman, directing the Management to pay compensation of 10 months salary @

Rs.2145/- per month and also pay salary for the month of April, 2001 in lieu of reinstatement and other consequential benefits. Challenging the same, the present writ petition is filed.

Learned counsel appearing for the petitioner submits that 1st respondent-workman had absented to his duties on his own and hence, the question of terminating him does not arise; that the 1st respondent-workman had filed I.D.No.186 of 2001 against the petitioner; that without appreciating any of the contentions raised by the Management, the Labour Court had granted compensation of 10 months salary @ Rs.2145/- per month and also pay salary for the month of April, 2001 in lieu of reinstatement and other consequential benefits in favour of the 1st respondent-workman *vide* Award dated 9.12.2004; and hence, the Award passed by the Labour Court is liable to be set aside.

Learned Government Pleader appearing for respondents 2 and 3 contends that the Labour Court has rightly passed the Award in favour of the 1st respondent-workman; that when the 1st respondent-workman had approached the authorities complaining that the Management was not extending the statutory benefits, the Management bore grudge and terminated him from service *vide* order dated 2.5.2001; that the

Labour Court has taken into consideration all the aspects, granted compensation @ Rs.2145/- per month and also pay salary for the month of April, 2001 in lieu of reinstatement and other consequential benefits in favour of the 1st respondent-workman; and that the Award passed by the Labour Court needs no interference.

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 passed the Award in favour of the 1st respondent-workman and granted the compensation @ Rs.2145/- per month and also pay salary for the month of April, 2001 in lieu of reinstatement and other consequential benefits. Unless and until grave illegality or irregularity 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

21st December, 2018
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