

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.17679 of 2004

ORDER:

This writ petition is filed seeking the following relief:

“For the reasons stated in the accompanying Affidavit, the Petitioners herein pray that this Hon'ble Court may be pleased to call for the records relating to I.D.No.272/96, dt.19.05.2003 on the file of Labour Court, Guntur by way of issue of Writ of certiorari and quash the same as arbitrary and illegal and pass such other Order or Orders on this Hon'ble Court, may deem fit and proper in the circumstances of the case”.

Heard Smt. W.V.S.Raja Rajeswari, the learned Standing Counsel for the petitioners-Corporation and Sri A.K.Jayaprakash Rao, the learned Counsel for the 1st respondent-workman.

It has been contended by the petitioners-Corporation that the 1st respondent-workman was neither appointed nor engaged by any of Corporation establishments. The 1st respondent-workman was entrusted with a contract work of sweeping and cleaning the rooms by the then Principal, Zonal Staff Training College, Gannavaram, Krishna District. The contract period initially was from 4.7.1982 to 31.08.1988 and the same was extended from time to time upto 31.05.1994 with different monthly remunerations. The 1st respondent-workman, after contract, has not worked at any Organization or Corporation. After lapse of (7) years, the 1st respondent filed an application in I.D.No.272/96 under Section 2-A of I.D.Act 1947 before the Labour Court, Guntur. The Petitioner herein filed a detailed counter affidavit denying all allegations made therein.

Unfortunately, the Labour Court without properly appreciating the facts and circumstances and evidence on record, passed an award in I.D.No.272/96, dated 19.05.2003 directing the petitioners to reinstate 1st respondent into service with continuity of service and 25% of back wages from the date of termination to the date of reinstatement. The award of Labour Court in I.D.No.272/96 dt.19.05.2003 on the file of the Labour Court, Guntur, is arbitrary, illegal and deserves to be set aside. The 2nd respondent without properly appreciating any of the contentions raised by the corporation, passed an award dated 19.05.2003 allowing the petition granting relief of reinstatement with continuity of service with 25% back wages and attendant benefits calculated at 25% of wages from the date of termination to the date of re-instatement. Aggrieved thereby, the present writ petition is filed by the petitioners-Corporation.

Learned Counsel for the 1st respondent has contended that the Labour Court has rightly passed the award in favour of the 1st respondent and, therefore, no interference is called for.

This Court, having considered the submissions made by the learned Counsel for the parties, is of the considered view that the Labour Court has rightly passed the award in favour of the 1st respondent. Further, no illegality or irregularity is pointed out by the learned Standing Counsel for the petitioners-Corporation in the award passed by the Labour Court. Unless and until any illegality or irregularity is pointed out by the learned Standing Counsel for the petitioners-Corporation in the award passed by the Labour Court, this Court cannot interfere with the findings of the Labour Court. There are no merits in the writ petition and the writ petition is liable to be dismissed.

Accordingly, the Writ Petition is dismissed. Consequently, miscellaneous petitions, if any, pending in the writ petition shall stand closed. No order as to costs.

ABHINAND KUMAR SHAVILI, J

11th December, 2018
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