

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.11809 OF 2003

ORDER

This writ petition is filed seeking the following relief:

“....to issue an appropriate writ, order or direction, especially in the nature of a writ of Certiorari calling for the records relating to the impugned Award dt. 17.10.2002 made in I.D.No.24 of 2001, the Additional Industrial Tribunal-cum-Additional Labour Court, Hyderabad published on 5.3.2003 setting aside the order of removal dated 16.8.1985 and declaring the 2nd petitioner herein to pay all the benefits to the respondents 1 to 6 herein as if the deceased driver was in service till his death, and quash the same as being illegal, without jurisdiction and invalid and pass such other and further orders to meet the ends of justice.”

Heard Sri N.Vasudeva Reddy, learned Standing Counsel appearing for the petitioner-Corporation and Sri Mohd.Ghouseuddin learned counsel appearing for respondents 1 to 6.

It is the case of the petitioner-Corporation that the deceased-workman was initially engaged as a Driver in the year 1968. Due to his un-authorized absence, he was removed from service *vide* order dated 16-08-1985 and thereafter, he expired on 20-09-1997. Challenging the order of removal, after expiry of the deceased-workman, his legal representatives filed I.D.No.24 of 2001 under Section 2-A (2) of the Industrial Disputes Act, 1947 (for short ‘the Act’) before the Additional

Industrial Tribunal-cum-Additional Labour Court, Hyderabad. The Labour Court *vide* order dated 17.10.2002 set aside the order of removal and directed the petitioner-Corporation to pay all the benefits to the legal heirs of the deceased workman, as if he was in service till his death.

Learned Standing Counsel appearing for the petitioner-Corporation contends that the legal heirs of the deceased-workman ought not to have raised the ID under Section 2-A(2) of the Act after expiry of the deceased-workman, that too after 17 years from the date of removal of the deceased workman; that without appreciating any of the contentions raised by the Corporation, the Labour Court had mechanically allowed the ID preferred by the legal representatives of the deceased-workman and hence, the Award passed by the Tribunal is liable to be set aside.

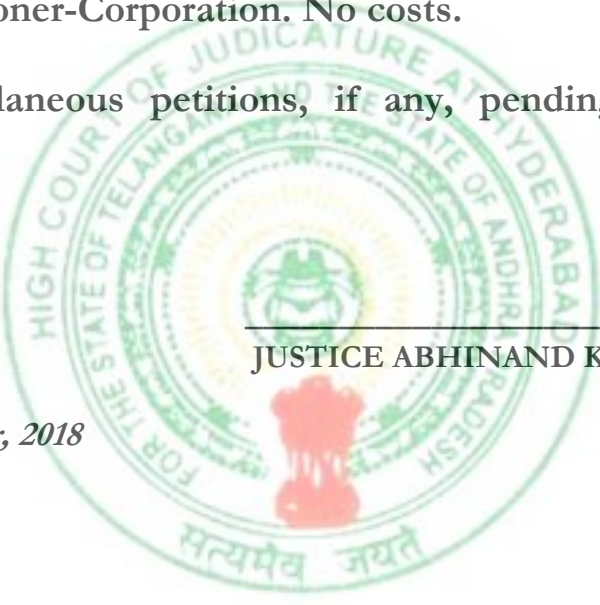
Learned counsel appearing for respondents 1 to 6 contends that the Labour Court has rightly passed the Award in favour of the legal representatives of the deceased-workman and there is no illegality or irregularity in the Award passed by the Labour Court.

Having considered the rival submissions made by the learned counsel on either side, this Court is of the view that

this writ petition can be disposed of by modifying the Award passed by the Labour Court.

Accordingly, the Writ Petition is disposed of by modifying the Award passed by the Labour Court to the extent of directing the petitioner-Corporation to pay all the benefits of the deceased-workman to his legal representatives, as if he was in service till his death to that of settlement of terminal benefits to the legal heirs of the deceased-workman by the petitioner-Corporation. No costs.

Miscellaneous petitions, if any, pending shall stand closed.



JUSTICE ABHINAND KUMAR SHAVILI

12th November, 2018
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