

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 21100 of 2004

ORDER:

1. This writ petition is filed by the petitioner-management challenging the award dated 31.5.2004 passed by the 1st respondent-Labour Court in I.D.No.163 of 2001.
2. The learned Counsel for the petitioner submits that the 3rd respondent-workman was not regularly employed and he was employed on casual basis and he worked as gardener and he voluntarily abandoned the services, but with false allegation that he was orally terminated from services, he approached the Labour Court by filing I.D.No.163 of 2001 under Section 2-A(2) of the Industrial Disputes Act and the Labour Court vide award dated 31.5.2004 held that oral termination of the workman is illegal and arbitrary, while directing the petitioner herein to pay compensation of 25 months last drawn salary in lieu of reinstatement, and challenging the same, the present writ petition is filed.
3. Further, the learned Counsel for the petitioner submits that at the time of admission of this writ petition, this Court was pleased to grant interim suspension of the award of the Labour Court on condition of the petitioner depositing one third of the amount awarded by the Labour Court within eight weeks. He

further submits that in pursuance of the interlocutory order passed by this Court, the petitioner deposited one third of the amount of compensation awarded by the Labour Court and the 3rd respondent-workman has already withdrawn the same. The learned Counsel for the petitioner contends that the Labour Court erred in awarding 25 months last drawn wages in favour of the workman, without appreciating the fact that there was no master and servant relationship between the petitioner and the workman, and therefore, appropriate orders may be passed setting aside the award impugned and the writ petition may be allowed.

4. The learned Counsel for the 3rd respondent-workman contends that the Labour Court has rightly passed the award in favour of the workman after examining the case and that the Labour Court has rightly held that the termination order is bad in law, while directing the petitioner herein to pay 25 months of last drawn wages and that there was no illegality and irregularity in the award passed by the Labour Court and that there are no merits in this writ petition.

5. Having considered the above submissions made by both the Counsel, this Court is of the view that the Labour Court has rightly passed the award impugned in favour of the 3rd respondent-workman and that the petitioner could not point any grave illegality or irregularity in the award passed by the Labour

Court. There are no merits in this writ petition. Therefore, this Court is not inclined to interfere with the award impugned.

6. Accordingly, the Writ Petition is dismissed. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

19th December, 2018
Nn



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Writ Petition No.21100 of 2004
(dismissed)

19th December, 2018

Nn