

HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.18463 OF 2002

ORDER:

1. This writ petition is filed seeking to issue a writ of Certiorari calling for the records relating to and connected with I.D.No.85 of 1993 on the file of the 1st respondent-Additional Industrial Tribunal-cum-Addl. Labour Court, and to quash the award dated 15.10.2001 passed therein.

2. Heard Sri D. Ravi Shankar Rao, learned Counsel for the petitioner and the learned Government Pleader for Labour.

3. It is the case of the petitioner that the 2nd respondent-workman was appointed as Assistant operator in the Boiler section of the petitioner-company and while he was discharging his duties he had applied for leave during October, 1980 to December, 1980 and thereafter, leave was not extended. The 2nd respondent-workman remained absent unauthorizedly. After lapse of five years, he raised a dispute before the Conciliation Officer and finally he raised an industrial dispute in I.D.No.402 of 1987 under Section 2-A(2) of the Industrial Disputes Act alleging that he was falsely terminated. Subsequently, the I.D. was renumbered as 85 of 1993. The learned Tribunal erroneously passed orders in favour of the 2nd respondent-workman without appreciating any of the

contentions raised by the petitioner. Challenging the same the present writ petition is filed.

4. The learned Counsel for the petitioner contended that on the earlier round of litigation, when the orders were passed by the learned Tribunal in favour of the 2nd respondent-workman, the petitioner challenged the same by filing W.P.No.20241 of 1993 and this Court was pleased to dismiss the said writ petition on 31.8.2000 and thereafter, the petitioner preferred appeal before the Hon'ble Division Bench by filing WA No.350 of 2001 and the Hon'ble Division Bench of this Court was pleased to dispose of the said WA on 19.3.2001 with the following observations:

“For the reasons aforementioned we are of the opinion that the matter should be considered afresh by the learned Additional Industrial Tribunal, within a period of two months. It will be open to both the parties to lead additional evidence before the Tribunal.”

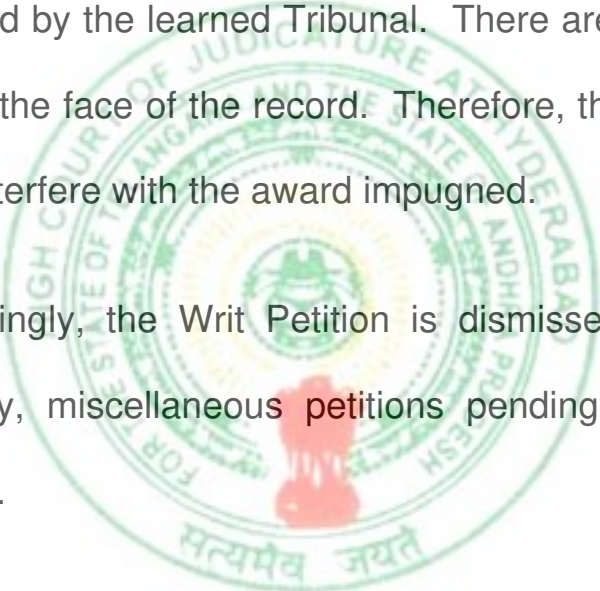
Thereafter, the matter was remanded to the Tribunal. The Tribunal once again was pleased to pass the award in favour of the 2nd respondent-workman.

5. The learned Counsel for the petitioner further contended that during pendency of this writ petition, the respondents have paid wages to the workman under Section 17-B of the Industrial Disputes Act and the 2nd respondent retired from service on attaining the age of superannuation.

6. The learned Government Pleader for Labour contended that the Tribunal has rightly passed award in favour of the 2nd respondent-workman, and that no illegality or irregularity has been pointed out by the petitioner so as to interfere with the award impugned.

7. This Court having considered the rival submissions made by the parties is of the view that no grave irregularity or illegality has been pointed out by the petitioner so as to interfere with the award passed by the learned Tribunal. There are no illegalities apparent on the face of the record. Therefore, this Court is not inclined to interfere with the award impugned.

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



JUSTICE ABHINAND KUMAR SHAVILI

Dated:1st November, 2018.
Nn.

HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

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1/11/2018

Nn.