

HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.Nos.15854, 16430, 16857, 16858, 17034,
21014, 22618 of 2007

COMMON ORDER

Since the issue involved in all these writ petitions is one and the same, they are being heard together and disposed of by this common order.

All these writ petitions are filed seeking to declare the Awards dated 17.05.2003 passed by the Industrial Tribunal-cum-Labour Court, Visakhapatnam in I.T.I.D(C)Nos.79, 80, 81, 82, 84, 85, & 95 of 2001, in so far as denying the continuity of service, back wages and other attendant benefits as illegal and arbitrary.

Heard Sri G. Vidyasagar, learned counsel for the petitioners, learned Government Pleader for Labour appearing for the 1st respondent and Smt S.Siva Kumari, learned Standing Counsel appearing for the 2nd respondent-NSTL.

Initially, the petitioners were appointed as casual helpers during the years 1989, 1994, 1995, 1996, 1997 respectively. While discharging their duties as such, the 2nd respondent, without following due process of law, has erroneously terminated the services of the petitioners *vide* proceedings dated 17.1.2001. Challenging the same, the petitioners have filed I.T.I.D(C)Nos.79, 80, 81, 82, 84, 85, & 95

of 2001, before the Industrial Tribunal-cum-Labour Court under Section 2-A(2) of the Industrial Disputes Act, 1947 (for short, “the Act”). The Tribunal *vide* Awards dated 17.5.2003, partly allowed the I.Ds preferred by the petitioners and categorically held that the 2nd respondent has violated the provisions of Section 25(f) of the Act and directed that the petitioners have to be reinstated into service, without back wages and continuity of service as they were engaged as casual helpers. Challenging the same, the present writ petitions are filed.

Learned counsel appearing for the petitioners contends that as the petitioners have been discharging their duties since 1989, 1994, 1995, 1996 & 1997, at least continuity of service ought to have been granted by the Labour Court, but the Labour Court erred in not granting the relief to the petitioners. He further contends that the writ petitions be allowed directing the respondents to grant continuity of service and back wages to the petitioners.

Learned Standing Counsel appearing for the 2nd respondent contends that the Labour Court has rightly passed the Awards in favour of the petitioners and no further interference is called for as no illegality or irregularity has been pointed out by the petitioners.

Having considered the rival submissions made by the learned counsel on either side, this Court is of the view that no illegality or irregularity has been pointed out in the Awards passed by the Labour Court and the Labour Court has rightly ordered reinstatement of the petitioners and rightly denied the back wages to the petitioners.

However, in the facts and circumstances of the case, the writ petition is disposed of directing the respondents to extend the benefit of continuity of service to the petitioners only for the purpose of retiral benefits, without any monetary benefits. No order as to costs.

Miscellaneous Petitions, if any, pending, shall also stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

30th October, 2018
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