

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.28431 OF 2015

ORDER:

1. This writ petition is filed seeking to issue a writ of Mandamus declaring the inaction of the respondents in providing any suitable job to the petitioner in respondent No.4-company on compassionate grounds in view of the Award in I.D.No.55/1996, dated 6.7.2000 on the file of the Industrial Tribunal-cum-Labour Court, Warangal, Warangal District, which was confirmed by this Court in W.P.No.25920/2000 vide order dated 29.12.2010 and by considering the representation of the petitioner dated 13.9.2014, as illegal and arbitrary, and consequently, to direct the respondents to provide any suitable job to the petitioner on compassionate ground in view of death of his father, with all consequential benefits.

2. Heard Sri M.V. Hanumantha Rao, learned Counsel for the petitioner and Sri T. Rami Reddy, learned Standing Counsel for T.S.B.C.L., for respondents Nos.3 and 4.

3. It has been submitted by the learned Counsel for the petitioner that the father of the petitioner was employed on daily wage basis in the 4th respondent-Arrack Bottling Unit in the year 1986, but, his services were terminated vide order dated 29.11.1989 and questioning the said termination order, the father of the petitioner filed I.D.No.55 of 1996 before the Industrial Tribunal under Section 2-A(2) of the Industrial Disputes Act and the said I.D. was allowed on 6.7.2000 declaring that the termination order dated 29.11.1989 as null and void, and challenging the order passed by the Industrial Tribunal in I.D.No.55 of 1996, the respondents herein filed a writ petition viz., W.P.No.25920 of 2000, and during the pendency of the said writ petition, the father of the petitioner

expired on 23.7.2008 and finally, the writ petition filed by the respondents was dismissed on 2.12.2010 confirming the orders passed by the Industrial Tribunal-cum-Labour Court in I.D.No.55 of 1996. It has been contended by the learned Counsel for the petitioner that in view of the order passed by the Industrial Tribunal, which was confirmed by this Court, it should be deemed that the father of the petitioner was in service, and therefore, the case of the petitioner should be considered on compassionate ground for providing job in the 4th respondent-unit. Further, it has been submitted that the petitioner submitted a representation to respondents Nos.2 to 4 on 13.9.2014 requesting to appoint him in any suitable post on compassionate grounds. But there was no response from the respondents and hence, the petitioner filed this writ petition.

4. Sri T. Rami Reddy, learned Counsel for respondents Nos.3 and 4 submits that the father of the petitioner was not a regular employee, and his terminal benefits were settled in favour of the wife of the deceased employee on 31.3.2018 and that the legal heir certificate produced by the wife of the deceased employee before the respondents would disclose that there are many legal heirs. He further submits that since the father of the petitioner worked on daily wage basis, the question of considering the case of the petitioner on compassionate grounds would not arise.

5. I have considered the rival submissions made by both the Counsel. The main grievance of the petitioner is that he made a representation to respondents Nos.2 to 4 seeking to provide a job to him on compassionate grounds in view of death of his father, but there was no response from the respondents. Considering the grievance of the petitioner, without expressing any opinion on merits of the case, this Court feels that ends of justice would be met if a direction is given to respondents Nos.3 and 4 to

consider the representation of the petitioner, dated 13.9.2014 for providing a job on compassionate grounds, if he is otherwise eligible, and subject to condition of other legal heirs giving no objection in favour of the petitioner, and pass appropriate orders, within a period of four weeks from the date of receipt of a copy of this order. However, it is made clear that this order will not preclude the respondents from rejecting the case of the petitioner, if he is not eligible as per rules.

6. With the above direction, the Writ Petition is disposed of. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

18th April, 2018
Nn



(ABHINAND KUMAR SHAVILI,J)

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