

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 19338 of 2003

ORDER:

This writ petition is filed seeking to issue a writ of certiorari calling for the record relating to and connected with M.P.No.7 of 1999 on the file of the 2nd respondent-Labour Court and quash the order dated 19.11.2002 passed therein holding it as illegal and arbitrary.

Heard learned standing counsel for petitioner corporation and learned counsel for the 1st respondent-workman.

It has been contended by the petitioner corporation that the 1st respondent workman was initially appointed as Cleaner in the corporation and subsequently promoted as Driver. While so, the disciplinary authority removed the 1st respondent from service vide orders dated 09.04.1987. Questioning the same, he raised an industrial dispute in I.D.No.453 of 1988 before the Labour Court, Hyderabad. Vide award dated 05.02.1992 the Labour Court directed reinstatement of the 1st respondent into service with continuity of service and 50% back wages. During pendency of the said I.D., the 1st respondent was reinstated into service and he was paid back wages from April 1987 to September, 1988. Thereafter, the 1st respondent filed M.P.No.7 of 1999 on the file of the 2nd respondent-Labour Court seeking computation of monetary benefits and payment of the same to him. The Labour Court, on an erroneous view of the matter, partly allowed the said petition directing the petitioner corporation to pay a

sum of Rs.78.60 ps and ordering that the notional increments be given with effect from 30.09.1999 adding to the last pay drawn by the 1st respondent, vide order dated 19.11.2002. Challenging the same, the present writ petition is filed.

Learned counsel for the 1st respondent has contended that the Labour Court has rightly passed the order in favour of the 1st respondent and, therefore, no interference is called for.

This Court, having considered the submissions made by the learned counsel for the parties, is of the considered view that the Labour Court has rightly passed the order in favour of the 1st respondent. Further, no illegality or irregularity is pointed out by the learned standing counsel for the petitioner corporation in the order passed by the Labour Court. Unless and until any illegality or irregularity is pointed out by the learned standing counsel for the petitioner corporation in the order passed by the Labour Court, this Court cannot interfere with the findings of the Labour Court. There are no merits in the writ petition and the same is liable to be dismissed.

Accordingly, the writ petition is dismissed. Consequently, miscellaneous petitions, if any, pending in the writ petition shall stand closed. No order as to costs.

ABHINAND KUMAR SHAVILI, J

6th November, 2018
cbs

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Writ Petition No.19338 of 2003
(dismissed)

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