

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 20526 of 2003

ORDER:

This writ petition is filed seeking to issue a writ of certiorari calling for the record relating to and connected with I.D.No.176 of 1996 on the file of the 3rd respondent-Labour Court and quash the award dated 17.04.2000 passed therein insofar as not granting back wages, holding it as illegal and arbitrary.

Heard learned counsel for the petitioner and learned standing counsel for the respondent corporation.

It has been contended by the petitioner that he was appointed as casual Conductor in the respondent corporation on 19.03.1984 and his services were regularized with effect from 09.07.1985. While so, an office order dated 23.03.1987 was issued by the Depot Manager, Yemmiganur stating that the resignation tendered by him was accepted with effect from 28.02.1987 as if he tendered resignation for the post. It has been further contended by the petitioner that he never tendered his resignation. Then, he made a representation to the Assistant Commissioner of Labour, Kurnool who referred the matter to the Deputy Commissioner of Labour, Kurnool, who in turn referred the matter to the Labour Court under Section 10(1)(c) of the Industrial Disputes Act which is numbered as I.D.No.176 of 1996. The Labour Court vide award dated 17.04.2000 directed the respondent corporation to reinstate the petitioner into service with continuity of

service, but without back wages. Challenging the same to the extent of denial of back wages, the present writ petition is filed.

Learned counsel for the petitioner has contended that the Labour Court while setting aside the proceedings dated 23.03.1987 and directing reinstatement of the petitioner into service with continuity of service ought to have awarded back wages.

On the other hand, learned standing counsel for the respondent corporation has contended that the Labour Court has rightly passed the impugned award. Therefore, no interference is called for from this Court.

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 impugned award. Further, no illegality or irregularity has been pointed out in the orders passed by the Labour Court, and unless and until grave irregularity is pointed out by the learned counsel for the petitioner, this Court cannot interfere with the impugned award. The writ petition is devoid of merits and the same is liable to be set aside.

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

12th November, 2018
cbs

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Writ Petition No. 20526 of 2003
(dismissed)

12th November, 2018

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