

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.22325 of 2002

ORDER:

When the matter is taken up for hearing, learned counsel for the petitioner contended that similar issue fell for consideration before this Court in W.P.No.25243 of 2005 and batch and this Court by order, dated 03.01.2006, set aside the orders passed by the Industrial Tribunal-cum-Labour Court, Warangal, and remanded the matter back to the Industrial Tribunal.

2. Learned Government Pleader appearing for the respondent also did not dispute the same.

3. This Court considered the rival submissions made by both the counsel and also perused the orders passed in W.P.No.25243 of 2005 and batch, wherein this Court held as follows:

“For the foregoing reasons, the common order dated 05.09.2005, passed in the applications filed under Section 33-C (2) of the Act, is set aside, and the matter is remanded to the Labour Court, directing that;

a) the learned Presiding Officer of the Labour Court shall separate the cases of the different categories of employees, such as, the employees who have retired from service, before the introduction of the VRS, the regular employees and Badili employees, and shall deal with their claims, separately.

b) the claims of the workmen, regarding payment of difference of gratuity, shall not be dealt with by the Labour Court.

c) The Labour Court shall reckon the year of service for the Badili employees, as the one in which the workman has attended for 240 days, and in case, they intend that the weekly offs and public holidays must also be included, it must be left to them to pursue their remedies under Section 10 of the Act.”

4. Since the issue raised in this writ petition is also identical to the order, dated 03.01.2006, in W.P.No.25243 of 2005 and batch, this Writ Petition is also disposed of in terms of the said order.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

OCTOBER 25, 2018
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ABHINAND KUMAR SHAVILI, J



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Date:25.10.2018

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