

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.26222 of 2003

ORDER :

This writ petition is filed seeking a Writ of Certiorari, calling for the records relating to and connected with the Award passed in I.D.No.160 of 1996, dated 05.09.2001, and quash or set aside the same, holding it as illegal, unjust and contrary to law.

2. Heard Sri A.K.Jayaprakash Rao, learned counsel for petitioners and Sri Ravi Shankar Jandhyala, learned counsel for 2nd respondent/workman.

3. It has been contended by the petitioners that the 2nd respondent/workman had joined as a Supervisor on 04.06.1994 and his services were terminated on 18.08.1995 for the alleged misconduct in discharging his duties carelessly and negligently, which resulted in loss to the petitioners. The 2nd respondent/workman, without disclosing about his negligence and misconduct, had filed I.D.No.160 of 1996 before the Industrial Tribunal-cum-Labour Court, Guntur, under Section 2-A(2) of the Industrial Disputes Act and challenged the termination orders. The Labour Court, without appreciating any of the contentions raised by the petitioners herein, had mechanically allowed the I.D. preferred by the 2nd respondent/workman and directed that 2nd respondent be reinstated into service and set aside the orders of termination dated

18.08.1995 and further directed that the 2nd respondent/workman be reinstated into service with continuity of service with 50% of backwages. Challenging the same, the present writ petition is filed.

4. Learned counsel appearing for petitioners contended that the Labour Court ought not to have set aside the orders of termination which were imposed for the proven misconduct in the inquiry and no illegality has been committed by the petitioners in passing the termination orders against the 2nd respondent/workman. Learned counsel further contends that the Labour Court ought not to have granted 50% of backwages because there is delay of more than one year in approaching the Labour Court by the 2nd respondent/workman and contended that at least the direction of Labour Court for payment of 50% of backwages be set aside.

5. The learned counsel appearing for the 2nd respondent/workman has contended that the Labour Court has rightly passed orders in his favour and no illegality or irregularity has been pointed out by the petitioners in the orders passed by the Labour Court and there are no merits in the writ petition and the same is liable to be dismissed.

6. This Court, having considered the rival contentions of the parties, is of the considered view that the Labour Court has rightly passed orders in favour of the 2nd respondent/workman and the

petitioners could not point out any grave irregularity or illegality in the orders passed by the Labour Court, in the absence of which, this Court cannot interfere with the orders passed by the Labour Court, which has exercised its powers under Section 11-A of the Industrial Disputes Act.

7. In view of above, there are no merits in the writ petition and the same is accordingly dismissed. No order as to costs.

Pending miscellaneous applications, if any, shall stand closed.

13th November, 2018

ajr

ABHINAND KUMAR SHAVILI, J

