

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.26787 of 2003

ORDER :

This writ petition is filed seeking a Writ of Certiorari to call for the records related to and connected with the orders passed in I.D.Nos.51 to 57 of 2000, dated 10.07.2003 and quash or set aside the same holding as arbitrary and illegal.

Heard learned counsel for the parties.

It has been contended by the petitioner that the petitioner is a Private Limited Company and is engaged in the manufacture of pre-stressed concrete sleepers which are used exclusively by the Indian Railways for the purpose of laying the Railway Tracks and the respondent-workmen were engaged by the petitioner. With the reduction of workers by the Railways during the year 1999, petitioner suffered severe setbacks in business and had to retrench the workers. Petitioner submitted an application to the Labour Department under Section 25(n) of the Industrial Disputes Act seeking permission for retrenching 143 workers and 27 staff members. The petitioner further contended that the Commissioner of Labour, after holding certain initial negotiations, has straightaway referred the case to the Labour Court in contravention of the provisions of the Industrial Disputes Act. The respondent-workmen, instead of accepting the retrenchment compensation, had filed I.D.Nos.51 to 57 of 2000 under Section 2-A(2) of the Industrial Disputes Act before the Labour Court and the Labour Court, without appreciating any of the contentions raised by the petitioner, has erroneously held that the

respondent-workmen be reinstated into service. Challenging the same, the present writ petition is filed.

Counsel for petitioners further contended that as the petitioner-Unit was closed, the petitioner had no other option except to retrench the respondent-workmen.

Counsel appearing for the respondent-workmen had contended that the Labour Court has rightly passed orders in their favour and more over, the writ petition against respondent Nos.2, 5 and 6 was dismissed for default vide orders dated 18.08.2010. Now, the issue stands only in respect of four workmen i.e. respondent Nos.3, 4, 7 and 8. It is further contended that the petitioner could not point out any grave irregularity or illegality in the orders passed by the Labour Court, in the absence of which, this Court would normally not interfere with the orders of Labour Court.

This Court, having considered the rival submissions of the parties, is of the considered view that the Labour Court has rightly passed orders in favour of respondent-workmen and the petitioner could not point out any grave irregularity or illegality in the orders passed by the Labour Court.

For the aforesaid reasons, 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.

ABHINAND KUMAR SHAVILI, J

19th November, 2018

ajr