

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.22654 OF 2003

ORDER:

1. This writ petition is filed seeking to issue a writ of *Certiorari* calling for the record relating to and connected with I.D. No.77 of 1999, dated 14.11.2002, passed by the Labour Court-II, Hyderabad (for short, 'the Labour Court') and quash or set-aside the same, as it is arbitrary and illegal insofar as not granting continuity of service, back wages and attendant benefits.

2. Heard Sri P.Sridhar Rao, learned counsel for the petitioner, and learned Government Pleader for Labour, appearing on behalf of the respondents.

3. It has been contended by the petitioner that he was appointed as tractor driver with the 2nd and 3rd respondents on 07.01.1988 and was continued up to 30.09.1993. Thereafter, the respondents have orally terminated the services of the petitioner. Challenging the said termination orders, the petitioner has filed I.D. No.77 of 1999, under Section 2-A (2) of the Industrial Disputes Act, 1947. The Labour Court, by order, dated 14.11.2002, was pleased to pass orders in favour of the petitioner by setting-aside the oral termination and directed that the petitioner be reinstated into service, however, without continuity of service, back wages and other attendant benefits. Challenging the same, the present writ petition is filed.

4. Learned counsel for the petitioner contends that, no doubt, the petitioner has approached the Labour Court after delay of six (6) years from the date of his termination. However, the petitioner is entitled for back wages from the date of filing the I.D. No.77 of 1999 till the award is passed

in his favour and contends that appropriate orders be passed directing the respondents to grant back wages to the petitioner and also continuity of service and other attendant benefits.

5. Learned Government Pleader, appearing on behalf of the respondents, had contended that the Labour Court has rightly passed orders and as such rightly denied the continuity of service, back wages, and attendant benefits on the ground that the petitioner has approached the Labour Court after nearly 6 years from the date of his termination, there are no merits, and the writ petition is liable to be dismissed.

6. This Court, having considered the rival submissions made by the parties, is of the considered view that the Labour Court has rightly passed orders directing the respondents to reinstate the petitioner into service without back wages, continuity of service, and attendant benefits. No grave irregularity or illegality has been pointed by the petitioner so as to interfere with the impugned order passed by the Labour Court. The writ petition is devoid of merits and the same is liable to be dismissed.

7. Accordingly, the writ petition is dismissed. No order as to costs.

8. Consequently, miscellaneous petitions, if any, pending in this writ petition shall stand closed.

Date: 23.11.2018.
Dsh

ABHINAND KUMAR SHAVILI, J

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Date. 23.11.2018

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