

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.23490 OF 2018

Dated:16.08.2018

Between:

Kelli Nageshwar Rao, S/o. Sanyasi,
Aged 42 years, Occ: Security Guard,
R/o. Chinna Harisschandrapuram,
Kotabommali (M) Srikakulam
District and others

.. Petitioners

And

Bharat Heavy Electricals Limited,
Heavy Plate & Vessels Plant BHPV
Post, Visakhapatnam, rep., by its
Executive Director and others

.. Respondents



The Court made the following:

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.23490 OF 2018

ORDER:

Heard.

2. This Writ Petition is filed seeking the following relief:

“... to issue writ or direction preferably Writ of Mandamus declaring the inaction of the respondent No.2 in taking appropriate action pursuant to the notice bearing No.8/05/2018-RLC, dated 20.03.2018 issued in regard to the illegal termination of the services of the petitioners as illegal, arbitrary and violative of Articles 14 and 21 of the Constitution of India and consequently direct the respondents to reinstate the petitioners as security guards in the respondent No.1 and pass such other order or orders as the Hon'ble Court deems fit and proper in the circumstances of the case.”

3. The Regional Labour Commissioner, Maharanipeta, Visakhapatnam, the 2nd respondent, issued notice dated 20.03.2018 to hold joint discussion and if necessary to hold conciliation proceedings and fixed the date as 11.04.2018 to undertake the exercise. Alleging inaction to take consequential steps, this Writ Petition is filed on 30.06.2018.

4. When the matter is taken up, learned counsel representing the Regional Labour Commissioner placed before this Court the document, dated 10.05.2018, signed by several persons including the 1st petitioner, by name, Kelli Nageshwar Rao amicably resolving the dispute.

5. The said document would also disclose that Kelli Nageshwar Rao and seven other persons, who are petitioners herein, have also participated in the deliberations. Thus, even before the Writ Petition was instituted, the conciliation proceedings were

concluded by the Regional Labour Commissioner. Therefore, the Writ Petition is misconceived and in fact it is a clear suppression of true and correct facts. Petitioners could not have withheld the subsequent deliberations resulting in conclusion of conciliation proceedings, dated 10.05.2018, in a Writ Petition instituted on 30.06.2018.

6. The Writ Petition is accordingly dismissed. There shall be no order as to costs. Pending Miscellaneous Petitions, if any, shall stand closed.

Date:16.08.2018

KH

P. NAVEEN RAO, J

