

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.17976 of 2003

ORDER:

This writ petition is filed seeking to issue a writ of certiorari calling for the record relating to and connected with I.D.No.1 of 2001 on the file of the 1st respondent-Labour Court and quash the award dated 22.01.2003 passed therein holding it as illegal and arbitrary.

Heard learned standing counsel for the petitioner corporation and learned counsel for the 2nd respondent workman.

It has been contended by the petitioner corporation that the 2nd respondent workman was engaged by the contractor for cleaning and sweeping of bus station at Srikalahasti in the corporation in the year 1989. Subsequently, as he was engaged by the contractor, the corporation informed the workman not to attend the duty. Aggrieved thereby, he filed I.D.No.225 of 1993 and the Labour Court passed an award on 09.07.1996 directing the corporation to reinstate him into service as casual sweeper, without back wages and continuity of service. Accordingly, he was reinstated into service as casual shramik. Thereafter, he was directed to attend for medical examination and basing on the medical report that he is unfit for the post of shramik due to defect in eye vision, he was terminated from service on 06.01.2001. Challenging the same, he filed I.D.No.1 of 2001 on the file of the 1st respondent-Labour Court. The Labour Court, on erroneous consideration, directed the corporation to reinstate the workman into service as casual sweeper with continuity

of service, back wages and attendant benefits, vide award dated 22.01.2003. Aggrieved thereby, the present writ petition is filed.

Learned counsel for the 2nd respondent has contended that the Labour Court has rightly passed the award in favour of the 2nd respondent and, therefore, no interference is called for from this Court.

This Court, having considered the submissions made by the learned counsel for the parties, is of the considered view that the Labour Court has rightly passed the award in favour of the 2nd respondent. Further, no illegality or irregularity is pointed out by the learned standing counsel for the petitioner corporation in the award passed by the Labour Court. Unless and until any illegality or irregularity is pointed out by the learned standing counsel for the petitioner corporation in the award passed by the Labour Court, this Court cannot interfere with the award. The writ petition is devoid of merits and the same is liable to be dismissed.

Accordingly, the writ petition is dismissed. Consequently, miscellaneous petitions, if any, pending in the writ petition shall stand closed. No order as to costs.

ABHINAND KUMAR SHAVILI, J

8th November, 2018
cbs

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Writ Petition No.17976 of 2003
(dismissed)

8th November, 2018

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