

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.5849 OF 2009

ORDER

This writ petition is filed seeking the following relief:

“to issue a Writ Order or direction more particularly one in the nature of Writ of Certiorari calling for the records relating to Award in I.D.No. 49 of 2005, dated 02.01.2008 on the file of the Hon'ble Industrial Tribunal-cum-Labour Court, Visakhapatnam, which was published in G.O.Rt. No.1921 of Labour Employment Training and Factories (Lab.I) Department, dated 06.10.2008 and set aside the same as illegal, arbitrary and contrary to law and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case”.

Heard Sri S.V.Ramana, learned Standing Counsel appearing for the petitioner-Corporation and Sri T.S.Venkata Ramana, learned counsel appearing for the 1st respondent-Union.

It is the case of the petitioner that the 1st respondent-Union has exposed the cause of one conductor by way of raising a dispute before the Conciliation Officer and after conciliation talks failed, the Conciliation Officer had submitted a failure report to the Government and the appropriate Government had referred the dispute to the 2nd respondent-Industrial Tribunal-cum-Labour Court, Visakhapatnam, under Section 10 (1) (c) of the Industrial Disputes Act, 1947 (for short 'the Act'). The Labour Court *vide*

Award dated 2.1.2008 modified the punishment of withholding of annual increment of the workman for a period of two years with cumulative effect to that of without cumulative effect. Challenging the same, the present writ petition is filed.

Learned Standing Counsel appearing for the petitioner-Corporation contends that there is inordinate delay of more than eight years in referring the dispute to the Labour Court and on this ground, the Award passed by the Labour Court is liable to be set aside.

This Court is of the considered view that when a reference is made by the appropriate Government under Section 10 (1) (c) of the Act, the delay cannot be attributed to the individual workman. There are no merits in the writ petition and the same is liable to be dismissed.

Accordingly, the Writ Petition is dismissed. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

24th October, 2018
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