

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.21936 OF 2003

ORDER:

1. When the matter is taken up for hearing, none appears for the petitioner, in spite of the fact that the writ petition is listed under the caption '*for dismissal*'.

2. A perusal of the record discloses that the petitioner is challenging the orders passed by the Industrial Tribunal-cum-Labour Court-I (for short, 'the Labour Court') Hyderabad, in I.D. No.583 of 2000, dated 10.06.2003.

3. It has been contended by the petitioner that the 2nd respondent – workman had joined with the petitioner – unit during 01.12.1991 and worked continuously up to 01.01.2000 and the petitioner further contended that the petitioner – unit was closed and, consequently, the services of the 2nd respondent – workman had to be terminated *vide* orders dated 01.01.2000. Challenging the same, the 2nd respondent – workman had filed I.D. No.583 of 2000, under Section 2A(2) of the Industrial Disputes Act, 1947, and, during pendency of the said case, the 2nd respondent – workman died and respondents 3 to 5 herein were brought on record as his legal representatives, and the Labour Court, *vide* orders, dated 10.10.2003, was pleased to allow the I.D., and as such granted compensation of Rs.30,000/- in favour of the un-official respondents with interest at the rate of 6% per annum from 01.01.2000 till realization. Challenging the same, the present writ petition is filed.

4. It has been contended by the petitioner that the Labour Court, without appreciating any of the contentions raised by the petitioner, has mechanically allowed the I.D. No.583 of 2000, preferred by the un-official respondents, and the Labour Court ought not to have passed the orders in

their favour and as such the Labour Court ought to have appreciated that, when the petitioner – unit has already been closed, the question of continuing the 2nd respondent – workman did not arise and contends that the orders passed by the Labour Court in I.D. No.583 of 2000, dated 10.06.2003, be set-aside.

5. Learned counsel appearing on behalf of the un-official respondents had contended that the Labour Court has rightly passed orders in their favour and no interference is called for, as no grave irregularity or illegality has been pointed out by the petitioner, 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 in favour of the un-official respondents and a perusal of the record also discloses that this Court was pleased to grant *interim* suspension of the orders passed by the Labour Court subject to the condition that the petitioner deposits half of the amount, giving liberty to the un-official respondents to withdraw the same, *vide* orders dated 20.10.2003. The only issue is paying the remaining half of the amount awarded by the Labour Court. The ends of justice would be met if the balance 50% of the amount is also be directed to be paid by the petitioner to the un-official respondents, who are the legal heirs of 2nd respondent – workman. As no grave irregularity or illegality has been pointed out in the orders passed by the Labour Court, this Court is not inclined to interfere with the impugned orders of the Labour Court.

7. There are no merits in the writ petition and the writ petition is, accordingly, dismissed. No order as to costs.

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

ABHINAND KUMAR SHAVILI, J

Date: 23.11.2018.
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