

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.15686 OF 2003

ORDER

This writ petition is filed seeking the following relief:

“....to issue an order, direction or a writ more particularly in the nature of Writ of Certiorari and after calling for the records from the first respondent in I.D.No.91/2000, dt. 2.6.2003 and quash the same, pending disposal of the above writ petition and pass such other order or orders which are just and necessary.”

Heard Sri S.Ravindranath, learned counsel appearing for the petitioner, learned Government Pleader for Labour appearing for the 1<sup>st</sup> respondent and Sri KVB Subba Reddy, learned counsel appearing for the 2<sup>nd</sup> respondent.

1<sup>st</sup> Petitioner is Transport Company and 2<sup>nd</sup> respondent is its Managing Director. 1<sup>st</sup> petitioner is doing business in transport of goods. Whenever regular and temporary drivers were on leave, the 2<sup>nd</sup> respondent-workman was engaged intermittently and accordingly, the 2<sup>nd</sup> respondent-workman was employed in the year 1994. The 2<sup>nd</sup> respondent-workman never worked for 240 days continuously and he worked intermittently upto 1999. But the 2<sup>nd</sup> respondent-workman had approached the Industrial Tribunal-cum-Labour Court by filing I.D.No.91 of 2000 under Section 2-A (2) of the Industrial Disputes Act contending that he was illegally terminated from

services. The Labour Court *vide* Award dated 13.3.2003 allowed the ID preferred by the 2<sup>nd</sup> respondent and directed the petitioner to reinstate the 2<sup>nd</sup> respondent-workman into service as Driver with back wages. Challenging the same, the present writ petition is filed.

Learned counsel appearing for the petitioners submits that though the 2<sup>nd</sup> respondent has not produced any material before the Labour Court, the Labour Court had erroneously passed the Award in favour of the 2<sup>nd</sup> respondent-workman and therefore, the Award passed by the Labour Court is liable to be set aside.

Learned counsel appearing for the 2<sup>nd</sup> respondent-workman contends that the Labour Court has rightly passed the Award and there is no illegality or irregularity in the Award passed by the Labour Court.

Having considered the rival submissions made by the learned counsel on either side, this Court is of the view that the Labour Court has rightly passed a reasoned Award by considering circumstantial evidence and held that the 2<sup>nd</sup> respondent-workman was employed in the petitioner transport company and he was illegally terminated. Unless the petitioners point out any illegality or irregularity in the Award passed by the Labour Court, this Court is not inclined to

interfere with the same. 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.

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JUSTICE ABHINAND KUMAR SHAVILI

*22<sup>nd</sup> November, 2018*

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