

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.11932 OF 2004

ORDER

This writ petition is filed seeking to issue a Writ of Certiorari calling for the records relating to and connected with the Award dated 4.6.2003 passed in I.D.No.289 of 2000 by the Industrial Tribunal-cum-Labour Court, Anantapur, and to quash or set aside the same by holding it as arbitrary and illegal.

Heard Learned Government Pleader for Tribal Welfare appearing for the petitioner and learned Government Pleader for Labour appearing for the 1st respondent.

It is the case of the petitioner that the 2nd respondent was engaged as Part-time Health Worker, on NMR basis, on 09.04.1991 and she was posted at Gorapenta Health Centre, Prakasam District. While so, without following the provisions under Section 25-F of the Industrial Disputes Act, 1947 (for short 'the Act'), the petitioner *vide* order dated 1.12.1993 terminated the 2nd respondent. Challenging the same, the 2nd respondent had filed I.D.No.289 of 2000 before the Labour Court, Anantapur, under Section 2-A (2) of the Act contending that the termination is bad in law and that she is entitled for reinstatement. The Labour Court passed an Award on

4.6.2003 in favour of the 2nd respondent by setting aside the termination order and directing the petitioner to reinstate the 2nd respondent into service with continuity of service, but without any back wages till 29-11-2000 and further directing that she is entitled for back wages from 29-11-2000 onwards. Challenging the same, the present writ petition is filed.

Learned Government Pleader for Tribal Welfare appearing for the petitioner contends that the petitioner is not an establishment as defined under the Act and that the Labour Court, without examining the issue in proper perspective, had mechanically allowed the ID preferred by the 2nd respondent.

Learned Government Pleader for Labour appearing for the 1st respondent contends that the petitioner is the establishment under the Act; that the Labour Court has rightly allowed the I.D. preferred by the 2nd respondent; that the petitioner has not pointed out any illegality or irregularity in the Award passed by the Labour Court and hence, no interference is called for by this Court.

Having considered the rival submissions made by the learned counsel on either side, this Court is of the considered view that the issue as to whether the petitioner is an establishment under the Act was specifically dealt with by the

Labour Court and without following the provisions under Section 25-F of the Act, the petitioner had terminated the services of the 2nd respondent. Unless and until a grave illegality or irregularity has been pointed out by the petitioner, this Court is not inclined to interfere with the Award passed by the Labour Court. 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

19th September, 2018
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