

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.7153 of 2004

ORDER:

This Writ Petition is filed seeking a Writ of Certiorari to call for records in I.D.No.232 of 1996 dated 20.05.2003 on the file of the 2nd respondent and quash the same.

Heard Mr.E.V.V.S.Pavi Kumar learned counsel for petitioner and the learned Government Pleader for Labour.

It has been contended by the petitioner-Sri Satyanarayana Talkies that it has engaged the services of 1st respondent-workman as an operator. While the 1st respondent was discharging his duties as an operator, the 1st respondent, without any notice and intimation, has absented himself from 25.08.1996 onwards and because of which, much inconvenience is caused to the petitioner. The 1st respondent has voluntarily abandoned the service with the petitioner. Thereafter, the 1st respondent filed I.D.No.232 of 1996 before the Labour Court, Guntur contending that he was illegally terminated from service without any notice and without following due procedure. The Labour Court, without appreciating any of the contentions raised by the petitioner, has mechanically allowed I.D.No.232 of 1996 on 20.05.2003 and directed that the 1st respondent be reinstated into service with 50% of back wages with continuity of service from the date of termination till the date of Award. Challenging the same, the present writ petition is filed.

Learned counsel for petitioner contended that the Labour Court had not appreciated any of the contentions raised by the petitioner and the 1st respondent himself abandoned the service voluntarily on his own and cannot turn round and say that the

petitioner has terminated the service of 1st respondent. The Labour Court erroneously passed the orders in favour of 1st respondent without appreciating any of the contentions raised by petitioner and therefore, allow the writ petition by setting aside the order passed by the Labour Court.

Learned counsel appearing for the 1st respondent workman has contended that in pursuance of the orders of the Labour Court, the petitioner was reinstated into service and the order of the Labour Court has been complied with and the petitioner could not point out any grave illegality or irregularity in the order passed by the Labour Court and there are no merits in the writ petition and the same is liable to be dismissed.

Learned counsel for petitioner submits that as on today, the Theatre run by the petitioner is closed and whereabouts of the 1st respondent are not known.

This Court, having considered the rival submissions, is of the considered view that the Labour Court has rightly passed the order in favour of 1st respondent and the petitioner could not point out any grave illegality or irregularity in the order 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 order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVIL, J

28-11-2018
Prv