

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 7545 of 2004

O R D E R:

This writ petition is filed seeking to issue a writ of *Certiorari* calling for records pertaining to and connected with ID No.57 of 2000 passed by respondent No.3 and quash the Award dated 18.07.2003 by holding it as illegal and arbitrary.

It is stated that the petitioner was appointed as Pump Mechanic in Kothagudem Division in the month of March, 1989 and he worked continuously without any break in various places from March 1989 to 31.3.1996. Suddenly, respondent authorities without following the provisions under Section 25-F of the Industrial Disputes Act and without assigning any reasons, terminated the services of the petitioner. Challenging the same, petitioner filed ID No.57 of 2000 under Section 2(A)2 of Industrial Disputes Act before respondent No.3 and the same was dismissed. Hence, this writ petition.

Heard Smt.R.Annapurna, learned counsel for petitioner and learned Government Pleader for Panchayat Raj and Rural Development appearing for respondent Nos.1 and 2.

Learned counsel for petitioner would submit that respondent No.3 considering the fact that the petitioner has rendered more than 16 years of long service in the respondent organization, ought to have reinstated him and respondent authority did not follow the procedure as contemplated under the Act, more particularly, the provisions of Section 25-F of Industrial Disputes Act and mechanically passed the order of termination and the tribunal without appreciating all these aspects and the contentions raised by the petitioner dismissed the ID, which is illegal and arbitrary warranting interference of this court.

Learned Government Pleader for Panchayat Raj and Rural Development appearing for respondents would submit that petitioner was never appointed as Pump Mechanic and therefore, the question of termination of his services does not arise at all and that at any point of time, there is no master and servant relationship between the petitioner and respondent authority and the tribunal having considered all these facts had rightly dismissed the ID.

The petitioner could not produce any documentary evidence to prove that he was employed by respondent authority. In the absence of the same, this court finds no grave illegality or irregularity committed by labour Court warranting interference of this Court.

Accordingly, the writ petition is dismissed. No costs.

Miscellaneous Petitions, if any, pending in this writ Petition shall stand closed.

17th December, 2018
MjI/*

ABHINAND KUMAR SHAVILI, J

