

THE HON'BLE SRI JUSTICE M.GANGA RAO

WRIT PETITION No. 5100 OF 2002

ORDER:

The Visakhapatnam Port Trust filed this writ petition aggrieved by the award passed by the Industrial Tribunal-cum-Labour Court, Visakhapatnam whereby the petitioner was directed to pay Rs.50,000/- in lumpsum with interest @ 12% per annum from the date of publication of award till the date of realisation, as being illegal and arbitrary.

2. The brief facts of the case are that the one P.Krishna Murthy was engaged as Casual Khalasi in the Port from 1972 to 1975. But thereafter, he was appointed as regular Store Khalasi on *ad hoc* basis by 06.08.1975 (Ex.M.2). While working as such, he had been suffering from tuberculosis. He admitted in the District Government Hospital. On that ground, the petitioner's Medical Board found that the said Krishna Murthy was unfit to be continued for discharge of his duties. But, after treatment, he approached the authorities along with the certificate issued by the Government T.B. hospital to resume duties. But, he was not taken to duty in spite of representations. Later, he was admitted to Port Trust hospital for operation and while undergoing treatment, he died on 16.07.1990. Thereafter, his legal representatives approached the petitioner for payment of the wages for the period from 23.12.1975 to 15.07.1990 and for compensation

in lump sum, but the petitioner did not pay any amount. Thereafter, the legal representatives approached the Industrial Tribunal-cum-Labour Court, Visakhapatnam and raised industrial dispute in I.D.No.147 of 1999 under Section 2-A(2) of the Industrial Disputes Act, 1947 (for short 'the Act').

3. The Labour Court, after considering the evidence before it i.e., Exs.W1 to W13 and Exs.M.1 to M.12 coupled with depositions of WWs 1 and 2 and MW1, came to a conclusion that P.Krishna Murthy was illegally relieved/terminated from service without following the procedure under Section 25(F) of the Act. The Labour Court, while exercising the power under Section 11-A of the Act, passed the award stating that the workman used to draw wages between Rs.400/- to Rs.500/- per month and considering his length of service for about 12 years, granted Rs.50,000/- in lump sum in lieu of his reinstatement.

4. While admitting the writ petition, this Court granted stay on condition of petitioner depositing half of the awarded amount within a period of eight weeks and on such deposit, the respondents 2 to 7 are entitled to withdraw the same. Accordingly, the petitioner deposited 50% of the awarded amount i.e. Rs.25,000/- before the Labour Court and the same was withdrawn by the respondents 2 to 7.

5. On consideration of rival contentions of both the learned counsel and on careful consideration of the award of the Labour Court, this Court finds that there is no error of fact and law in passing of the award by the Labour Court. Hence, the petition is liable to be dismissed.

6. Accordingly, the Writ Petition is dismissed. No order as to costs.

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

12-07-2018
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