

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.6153 of 2002

ORDER :

This writ petition is filed seeking a Writ of Certiorari, to call for the records relating to and connected with the orders passed in I.D.No.16 of 1987, dated 29.10.2001, and quash or set aside the same, holding as illegal and arbitrary.

2. Heard Smt.Seshaveni, learned Standing Counsel for petitioners and Sri K.Maheswar Rao, learned counsel for the 2nd respondent/workman.

3. It has been contended by the petitioners that the 2nd respondent/workman never worked with the petitioners, more so, in the hostels as alleged, but he had filed I.D.No.16 of 1987 under Section 2-A(2) of the Industrial Disputes Act, contending that he was illegally terminated from service without any valid ground. It is further contended that the Labour Court, without considering the evidence, has mechanically passed orders allowing the I.D. filed by the 2nd respondent/workman and directed to appoint him afresh. Challenging the same, the present writ petition is filed.

4. It has been contended by the learned Standing Counsel for petitioners that this Court granted interim suspension of the orders passed in I.D.No.16 of 1987, vide orders dated 04.04.2002 subject to

the condition that the petitioners shall comply with the mandatory provisions contained under Section 17-B of the Industrial Disputes Act. Accordingly, petitioners have been paying wages to the 2nd respondent/workman. It is contended that since the Labour Court had passed the Award without there being any evidence, the same is liable to be set aside and the writ petition be allowed.

5. Learned counsel appearing for the 2nd respondent workman contended that the Labour Court has rightly passed orders in his favour and no illegality or irregularity has been pointed out by the petitioners so as to interfere with the orders passed by the Labour Court.

6. This Court, having considered the rival contentions of the parties, is of the considered view that the Labour Court has rightly passed orders in favour of the 2nd respondent/workman and no illegality or irregularity has been pointed out by the petitioners so as to interfere with the said orders passed by the Labour Court. Therefore, this Court is not inclined to interfere with the orders passed by the Labour Court.

7. For the aforesaid reasons, the writ petition is devoid of merit and it is accordingly dismissed. No order as to costs.

Pending miscellaneous applications, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

14th November, 2018
ajr