

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.3288 of 2002

ORDER:

1. This writ petition is filed seeking the following relief:

“To issue an appropriate writ or order or direction more particularly in the nature of writ of Mandamus declaring that the award of the Tribunal passed in I.D.No.31 of 1995 dated 17.1.2000 in not awarding back wages and temporary status as arbitrary, unjust, illegal and consequently to direct respondent no.2 herein to pay back wages from 1.3.1990 which is the date of termination of the petitioner and to grant temporary status to the petitioner.”

2. Heard Sri P.Lakshmi Narasimha learned Counsel for the petitioner and Sri R.S. Murthy, learned Standing Counsel for the respondents.

3. It has been submitted by the petitioner that he was initially engaged as a Casual Mazdoor in the year 1984 by the 2nd respondent and he was continued in service upto January, 1990 and thereafter, during February, 1990, his services were terminated. It has been contended by the petitioner that he has completed more than 240 days of service in the year 1989 and as such, his case should be considered for regular appointment, but his case was not considered

for regularization. It has been further contended that juniors of the petitioner were continued in service but his services were illegally disengaged and in those circumstances, he raised a dispute before the Regional Labour Commissioner, Hyderabad, and after failure of conciliation mechanism, reference was made to the Industrial Tribunal by the Government of India, Ministry of Labour, New Delhi under Section 10(1)(d) and sub-section (2A) of the Industrial Disputes Act, and the learned Tribunal after hearing the case on merits passed the award on 17.1.2000 directing that the petitioner should be reinstated into service. However, the Tribunal held that the petitioner is not entitled for any back wages, and that if any permanent vacancy arises, if any casual employees are considered for appointment, then his second original date of appointment of August, 1989 shall be considered as his original date of appointment. It has been submitted by the petitioner that the respondents herein challenged the said award passed by the Industrial Tribunal by filing W.P.No.2336 of 2001 and this Court dismissed the said writ petition on 13.2.2001 and after dismissal of the said writ petition, the petitioner was reinstated into service on 22.11.2001 and ever since he has been continued. The petitioner submits that the Industrial Tribunal erred in not awarding back wages to him.

When this matter is taken up for hearing, it is brought to the notice of this Court by the learned counsel for the petitioner that the issue involved in this case is similar to the orders passed in WP.No.11991 of 2006 dated 26.7.2018 wherein the respondents were directed to consider the case of the petitioner for regularization/absorption.

Therefore, in view of the orders passed in WP.No.11991 of 2006 dated 26.7.2018, this Writ Petition can be disposed of in terms of the orders passed in W.P.No.11991 of 2006.

Accordingly, the Writ Petition is disposed of in terms of the orders dated 26.7.2018 passed in W.P.No.11991 of 2006 directing the respondents to consider the case of the petitioner for regularisation/absorption as and when regular/permanent vacancy arises. No costs.

Consequently, miscellaneous petitions pending, if any, shall stand closed.

(ABHINAND KUMAR SHAVILI, J)

Dated: 27th July, 2018
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