

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.11053 of 2002

ORDER:.

This Writ Petition, under Article 226 of the Constitution of India, is filed challenging the order, dated 20.12.2001, passed in M.P.No.20 of 1998, by the Additional Industrial Tribunal-cum-Additional Labour Court, Hyderabad, whereunder and whereby, the Court below directed the petitioner-company herein to pay an amount of Rs.1,02,255/- to the 2nd respondent-workman.

2. Heard Sri Vijay Kumar Sunnapu, learned counsel for the petitioner, and Sri V.R.Balachary, learned counsel for the 2nd respondent-workman.

3. Learned counsel for the petitioner contended that the 2nd respondent-workman was restrained from seeking payment towards additional retrenchment compensation after having accepted the retrenchment compensation at the time of retrenchment; he cannot turn around and claim additional benefit of retrenchment compensation. Therefore, the aforesaid Miscellaneous Petition filed by the 2nd respondent-workman is not maintainable.

4. The Tribunal gave a specific finding with regard to the appointment of 2nd respondent-workman as well as his termination, which was contrary to Section 25-F of the Industrial Disputes Act (for short, 'the Act'). The petitioner herein had not adduced any rebuttal evidence to disprove the claim of the 2nd-respondent workman. The Tribunal having observed that the petitioner company has not followed the provisions of Section 25-F of the Act and allowed the Miscellaneous Petition preferred by the

2nd respondent-workman. This Court, having examined the order passed by the Industrial Tribunal-cum-Additional Labour Court in M.P.No.20 of 1998, dated 20.12.2001, does not find any illegality or perversity. Therefore, there are no grounds to interfere with the impugned order.

5. Accordingly, the Writ Petition is dismissed. Miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

ABHINAND KUMAR SHAVILI, J

JULY 25, 2018
YVL



HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI



WRIT PETITION No.11053 of 2002

Date:25.07.2018

YVL

