

HON' BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P. No. 10827 of 2002

ORDER:-

This writ petition is filed seeking to issue a writ of certiorari calling for the records relating to the Award dated 04.04.2001 in I.D.No. 410 of 1994 passed by the Labour Court, Guntur and quash the same holding it as arbitrary and illegal.

Heard Sri Srinivas Karra, learned counsel for the petitioner and Sri V.Mallik, learned counsel for the respondents and perused the material placed on record.

The brief facts of the case are that the 2nd respondent was appointed as Technical Work Inspector in the petitioner – District Scheduled Caste Services Co-operative Societies Limited only for a limited period and limited assignment. When the assignment was over the services of the 2nd respondent were disengaged but the 1st respondent has construed the disengagement as retrenchment. The 2nd respondent, challenging disengagement of his services, filed I.D.No. 410 of 1994 under Section 2-A (2) of the Industrial Disputes Act, 1947. The Labour court, after appreciating the oral and documentary evidence, passed the impugned Award directing that the 2nd respondent be reinstated into service with continuity of

service and 50% of the back-wages. Challenging the same, the present writ petition is filed.

The learned counsel for the petitioner has contended that the wages paid to the 2nd respondent up to March, 2017 as contemplated under Section 17(b) of the Act, have to be treated as pay to the notice period and the disengagement of the 2nd respondent has to be upheld by setting aside the order passed by the Labour Court.

This Court is not inclined to accept the said contention of the petitioner. Apart from that, no illegality has been pointed out by the petitioner against the 2nd respondent. When the Labour Court has exercised its power under Section 11-A of the Act, and when no illegality is pointed out against the 2nd respondent, it is difficult for this Court to interfere with the award passed by the Labour Court.

There are no merits in this writ petition. Therefore, the writ petition is liable to be dismissed.

Accordingly, the writ petition is dismissed. No order as to costs.

As a sequel, Miscellaneous Petitions, if any pending, shall stand disposed of as infructuous.

ABHINAND KUMAR SHAVILI, J

27-08-2018

bcj