

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.10921 OF 2002

ORDER :

This writ petition is filed seeking to declare the impugned award (bearing No. G.O.Rt.No.1605 dated 30.6.2001 published on 3.8.2001) passed by the Industrial Tribunal-cum-Labour Court, Godavari Khani, dismissing the I.D.No.88/99 as illegal, null and void. A consequential direction is sought to the respondents 1 and 2 to reinstate the petitioner into service as a Watchman or Sweeper, with all ancillary benefits.

During pendency of the writ petition, the petitioner died and his legal representatives were brought on record as petitioners 2 to 5 vide order dated 12.4.2017 in WPMP No.51092 of 2015.

Heard Venkateswarlu Varanasi, learned counsel for the petitioners and learned Government Pleader for Labour.

It is contended by the petitioners that the petitioner No.1 was appointed as a Watchman-cum-Sweeper in the year 1985. After rendering considerable length of service, on 1.9.1996 the respondent No.2 had terminated him from service. Challenging the same, the petitioner No.1 had preferred I.D.No.85 of 1999 before the Industrial Tribunal-cum-Labour Court- third respondent invoking the provisions under Section 2-A(2) of the Industrial Disputes Act, 1947 and the Labour Court, by the impugned Award, held that since he is not a workman in an Industry, he cannot be reinstated into service and accordingly dismissed the I.D., on 14.5.2001. Challenging the same, the present writ petition is filed.

Learned counsel for the petitioners contended that the services of similarly situated persons who were appointed as

Workmen are regularized by Commercial Tax Department. Following the same, the case of the deceased 1st petitioner can also be considered for regularization. He further contended that the persons whose services were engaged along with the deceased 1st petitioner, had approached the A.P. Administrative Tribunal seeking regularization of their services and got orders for regularization of their services.

This Court, having considered the submissions made by the parties, is of the considered view that the Labour Court had declined to entertain the I.D. preferred by the deceased workman on the ground that he is not a workman and to exercise its power under Section 2-A(2) of the Industrial Disputes Act. Until and unless any irregularity is pointed out in the order passed by the Labour Court, this Court cannot interfere with the order passed by the Labour Court. As similarly situated workmen approached the A.P. Administrative Tribunal and got orders for regularization of their services, the petitioners are at liberty to approach the Tribunal or to file a writ petition under Article 226 of the Constitution of India seeking regularization of the services of the deceased petitioner, if so advised.

With the above observations, the writ petition is dismissed.

Miscellaneous petitions, pending if any, shall stand closed.

No costs.

ABHINAND KUMAR SHAVILI, J

Date: 04.09.2018

Slk

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Dated :04/09/2018

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