

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.8497 of 2002

ORDER :

This writ petition is filed seeking a writ of Certiorari calling for the records relating to the orders of the 1st respondent dated 03-04-2002 in I.A.No.2 of 2000 confirming the order of the 2nd respondent in P.W. Case No.1 of 1998 and quash the same as illegal and arbitrary.

2. It has been contended by the petitioner that the 3rd respondent was working on daily wage basis in the petitioner's organization during 1980 and the 3rd respondent on his own stopped attending the duties and subsequently, filed I.D.No.412 of 1989 challenging the termination orders and sought for reinstatement into service. The Labour Court at Godavarikhani was pleased to pass an Award on 28.10.1991 in favour of the 3rd respondent directing that he should be reinstated into service with continuity of service. Pursuant thereto, the 3rd respondent was reinstated into service on 13.05.1992. It is further contended by the petitioner that after joining into service, the 3rd respondent filed P.W. Case No.1 of 1998 before the 2nd respondent claiming regular pay scale as he has completed 18 years of service. The 2nd respondent was pleased to pass orders on 22.09.1999 and directed the petitioner to pay an amount of Rs.57,336/- to the 3rd respondent. Aggrieved by the same, the petitioner herein had approached the 1st respondent by filing I.A.No.2 of 2000 challenging the orders passed by the 2nd respondent. The 1st respondent has passed orders on 03.04.2002 confirming the orders passed by the

2nd respondent and directed that the petitioner should pay Rs.57,336/-in favour of the 3rd respondent. Challenging the same, the present writ petition is filed.

3. The 3rd respondent has contended that the authorities had rightly passed orders in his favour and no interference is called for from this Court and the writ petition is liable to be dismissed.

4. This Court having considered the submissions made by the parties is of the view that no illegality has been pointed out by the petitioner in the orders passed by the authorities. This Court was pleased to grant interim suspension of the orders passed by the authorities, on 26.04.2002 and the same was modified on 13.09.2002 when a vacate stay petition was filed by the 3rd respondent and half of the amounts, as directed by the authorities, were directed to be paid and the 3rd respondent was permitted to withdraw the same. Now, the issue is only in respect of paying another half of the amounts as directed by the authorities. Ends of justice would be met if the petitioner pays the remaining half of the amounts in favour of the 3rd respondent, who is a workman since no illegality is pointed out by the petitioner in the impugned orders passed by the authorities. There are no merits in the writ petition and the same is liable to be dismissed.

5. Accordingly, the Writ Petition is dismissed. No costs.

Miscellaneous Petitions pending, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

17th AUGUST 2018
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