

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P. No.13947 of 2002ORDER:

This writ petition has been filed seeking a writ of certiorari to call for the records related to and connected with the orders passed in I.D.No. 22 of 1996 passed by the Labour Court and quash or set aside the same, holding it as arbitrary, illegal, only to the extent of disallowing 75%back wages, while granting 25%back wages, and consequently direct the respondents to pay the balance 75%of back wages with interest.

2. Heard Sri M.Shiva Prasad Reddy, counsel for the petitioner, Government Pleader for Labour and Sri Venkateswara Ravikiran, counsel for the 1st respondent.

3. It has been contended by the petitioner that he was initially appointed as a Mechanic in the 1st respondent-industry and after rendering considerable length of service, the 1st respondent had terminated his services without assigning any reasons and without following due process of law. Challenging the same, the petitioner filed I.D.No. 22 of 1996 before the Labour Court under Section 2-A (2) of the Industrial Disputes Act, and the Labour Court, vide orders dated 01.06.2001, was pleased to allow the I.D. preferred by the petitioner. However, while granting relief, the Labour Court had not granted 100% back wages, but only granted 25%of back wages and denied the balance 75%of back wages. Challenging the same, the present writ petition is filed.

4. It has been contended that when the Labour Court had come to a conclusion that the 1st respondent has not followed the procedure and

without giving any notice, terminated the services of the petitioner, the Labour Court ought to have granted full back wages and therefore, the Labour Court erred in not granting full back wages to the petitioner.

5. The counsel appearing for the 1st respondent contended that the Labour Court had rightly passed orders in favour of the petitioner, and as long as no illegality or irregularity has been pointed out in the orders passed by the Labour Court, this Court should not interfere with the orders passed by the Labour Court; that there are no merits in the writ petition, and the same is liable to be dismissed.

6. This Court, having considered the rival submissions, is of the considered view that the Labour Court has rightly denied 75% of the back wages to the petitioner, and no illegality or irregularity has been pointed out by the petitioner, so as to interfere with the orders passed by the Labour Court, and there are no merits in the writ petition. Accordingly, the writ petition is dismissed. There shall be no order as to costs. Miscellaneous petitions pending, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

Date: 30.10.2018
DMG