

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.4776 OF 2002

ORDER:

This Writ Petition is filed seeking to issue a writ of *Certiorari* calling for the records relating to and connected with the order dated 28.11.2001 passed in I.D. No.7 of 2000 on the file of the Industrial Tribunal-cum-Labour Court, Visakhapatnam (for short, 'the Tribunal'), and to quash the same by declaring it as illegal, arbitrary, and consequently to direct the respondents to reinstate the petitioner into service with all consequential benefits.

2. Heard Sri M.V.S.Sai Kumar, learned counsel for the petitioner, Sri K.Raghavacharyulu, learned counsel appearing for the 1st respondent, and the learned Government Pleader for Labour.

3. It has been submitted by the learned counsel for the petitioner that the petitioner was appointed as Cargo Handling Worker on daily wage basis on 24.12.1993 and he was continued in service for some time and thereafter, his services were illegally terminated on 03.10.1994 on the ground that he got employment as Cargo Handling Worker by submitting false information, and in those set of circumstances, he raised an industrial dispute by filing I.D. No.7 of 2000 before the Industrial Tribunal-cum-Labour Court, Visakhapatnam under Section 2-A(2) of the Industrial Disputes Act and the learned Tribunal has erroneously dismissed the I.D. *vide* order dated 28.11.2001 and challenging the same, the present writ petition has been filed. It has been contended by the petitioner that many of his juniors were continued and their services were regularized, but his services were illegally terminated without issuing any notice and without conducting any enquiry.

4. Learned Counsel appearing for the 1st respondent contends that the Tribunal rightly dismissed the I.D. as the petitioner has not completed 240 days of service and, therefore, the order of the learned Tribunal does not warrant any interference by this Court.

5. This Court having considered the rival submissions made by the parties is of the view that the learned Tribunal has considered the entire case of the petitioner and came to a conclusion that the petitioner was not provided with the work for all 30 days or 25 days in a month and his services were utilized on the basis of need of the work intermittently for a week or 10 days in a month and, thus, the petitioner had not worked for 240 days continuously and therefore he is not entitled to claim any benefits under Section 25F of the Industrial Disputes Act. This Court does not find any irregularity or perversity in the order passed by the learned Tribunal.

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

Miscellaneous petitions, if any, pending in this Writ Petition shall stand dismissed in consequence.

ABHINAND KUMAR SHAVILI, J

Date: 14.08.2018.
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WRIT PETITION No. 4776 OF 2002

Date. 14.08.2018

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