

**HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI**

**WRIT PETITION NO.10878 OF 2002**

**ORDER:**

1. This writ petition is filed seeking to issue a writ of certiorari calling for the records relating to and connected with I.D. No. 128/2000 on the file of the Labour court, Godavarikhani and quash the award passed therein dated 20.8.2001 by holding it as arbitrary and illegal.

2. Heard Sri A. Ravi Babu, learned Standing Counsel for the petitioner and Sri M. Bhaskara Lakshmi, learned Counsel for the respondent-workman.

3. It is the case of the petitioner that the respondent-workman was never engaged by them and he was engaged through a contractor for cleaning and washing the buses during 1997. There is no master and servant relationship between the petitioner and the respondent-workman. When the contract was terminated, the respondent-workman filed I.D. No. 128/2000 under Section 2-A(2) of the Industrial Disputes Act challenging the termination order and the Labour Court without appreciating the fact that there is no master and servant relationship between the petitioner and the respondent-workman, has erroneously passed the award in favour of the respondent-workman and ordered that the respondent-

workman be reinstated into service as cleaner within one month from the date of publication of the award, with back wages last drawn. Challenging the same, the petitioner-Corporation filed this writ petition.

4. The learned Counsel for the respondent-workman contended that automobile garages of APSRTC, where the respondent-workman was working, are treated as factories as per the circular dated 1.11.1976 issued by APSRTC, and the petitioner could not have appointed the respondent-workman on contract basis, and even if it is assumed that the respondent-workman was appointed on contract basis, it becomes a sham contract and the real employer is APSRTC, and therefore, the award passed by the Labour Court does not warrant any interference.

5. This Court has considered the rival submissions made by the parties and perused the material available on record. From the award impugned, it is clear that as per the Circular dated 1.11.1976 issued by the APSRTC, the automobile garages of APSRTC are treated as factories. Further, contract labour is abolished in automobile garages and workshops. Therefore, the contention of the petitioner that the respondent-workman was engaged through a contractor on a contract basis cannot be sustained. Having considered the Circular dated 1.11.1976, the Labour Court has

rightly passed the award by exercising its power under section 11-A of the Industrial Disputes Act. No illegality has been pointed out by the petitioner in the award passed by the Labour Court. Therefore, this Court is not inclined to interfere with the award passed by the Labour Court.

6. Accordingly, this Writ Petition is dismissed. No costs. Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

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**JUSTICE ABHINAND KUMAR SHAVILI**

21<sup>st</sup> August, 2018  
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**21.8.2018**

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