

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.17033 OF 2002

ORDER:

This writ petition is filed seeking a Writ of Certiorari to call for the records relating to and connected with the orders passed by the Industrial Tribunal-cum-Labour Court, Warangal in I.D.No.192 of 1995, dated 31.01.2000, and quash or set aside the same holding it as arbitrary, illegal and contrary to law.

Heard Government Pleader for Medical and Health appearing for the petitioner and Sri A. K. Jayaprakash Rao, learned counsel for the 1st respondent – workman.

It has been contended by the petitioner that the 1st respondent - workman had appeared for an interview and he was not selected. It is also stated that without there being any basis, the 1st respondent has claimed that his services were terminated by the petitioner and challenging the termination orders, the 1st respondent has filed I.D.No.192 of 1995 before the 2nd respondent. The petitioner further stated that without appreciating any of the contentions raised by them, the 2nd respondent has mechanically allowed the I.D preferred by the 1st respondent vide orders dated 31.01.2000 and directed the petitioner herein to reinstate the 1st respondent into service as 'fresh recruitee' to work in the petitioner's Hospital. Challenging the same, the present writ petition is filed.

Government Pleader appearing for the petitioner had contended that the 1st respondent never worked with the petitioner and he was never employed by the petitioner and, in spite of the same, the 2nd respondent has passed the award in favour of the 1st respondent, therefore, the award passed by the 2nd respondent is liable to be set aside.

Counsel appearing for the 1st respondent – workman had contended that the 1st respondent has worked with the petitioner from 11.11.1990 to 12.01.1992 and he has completed more than 240 days of service. The counsel further submitted that without following the law, the services of the 1st respondent were orally terminated and the Labour Court has rightly passed the award in favour of the 1st respondent, therefore, there are no merits and the writ petition is liable to be dismissed.

A perusal of the award passed by the Labour Court discloses that the Labour Court has examined the documents as well the evidence of the witnesses and came to the conclusion that the 1st respondent has worked with the petitioner from 11.11.1990 till he was removed from service orally on 12.01.1992 and gave a specific finding that the 1st respondent has completed 240 days of service and terminating the services of the 1st respondent was contrary to the provisions of the Industrial Disputes Act and, accordingly, passed the award in favour of the 1st respondent. Thus, having considered the submissions of learned counsel for respective parties and also the

award passed by the Labour Court, this Court is of the considered view that after appreciating the evidence, the Labour Court has rightly passed the award in favour of the 1st respondent and no grave irregularity or illegality is pointed out by the Government Pleader, in the award passed by the Labour Court. Therefore, there are no merits and the writ petition is liable to be dismissed.

Accordingly, the writ petition is dismissed. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

5th December, 2019
v v

ABHINAND KUMAR SHAVILI, J

