

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.26550 of 2005

ORDER

This writ petition is filed seeking the following relief:

“....to issue a writ or order or direction more particularly one in the nature of Mandamus to declare that the award dt 29-9-2005 of the Hon'ble Central Government Industrial Tribunal-cum-Labour Court, Hyderabad in LCID No.193/2003 as being illegal, null and void and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

Heard Sri R.S.Murthy, learned Standing Counsel appearing for the petitioners and Sri M.V.Venu, learned counsel appearing for the 1st respondent-workman.

It is the case of the petitioners that without disclosing the fact that he had voluntarily abandoned the services of the petitioners, the 1st respondent has filed L.C.I.D.No.193 of 2003 before the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad, under Section 2-A (2) of the Industrial Disputes Act, 1947 (for short 'the Act') on the ground that he was discontinued from service. Thereafter, the Tribunal *vide* Award dated 29.09.2005 had erroneously allowed the ID preferred by the 1st respondent, and directed the petitioners to reinstate the 1st respondent-workman into

service with continuity of service by granting temporary status of Mazdoor, but denied back wages. The Tribunal has no power to grant temporary status of Mazdoor. The Tribunal erred in exceeding its jurisdiction and passed the Award in favour of the 1st respondent. Challenging the same, the present writ petition is filed.

Learned Standing Counsel appearing for the petitioners submitted that in view of the fact that the petitioners are paying wages under Section 17-B of the Act to the 1st respondent-workman and, in order to give a quietus to this litigation, the Corporation is willing to pay compensation of Rs.2,50,000/- in lieu of reinstatement to the 1st respondent. In support of his contention, he placed reliance on the judgment of the Apex Court in *Bharat Sanchar Nigam Limited vs Mani Ram*¹.

Learned counsel appearing for the 1st respondent-workman had contended that the Tribunal has rightly passed order in favour of the 1st respondent-workman. However, in view of the resistance being done by the petitioners, the 1st respondent is willing to receive the said amount of Rs.2,50,000/- in lieu of reinstatement as full and final settlement.

¹ (2012) 1 Supreme Court Cases 558

Having considered the rival submissions made by the learned counsel on either side, this Writ Petition can be disposed of modifying the Award passed by the Tribunal in L.C.I.D.No.193 of 2003 dated 29.09.2005 directing the petitioner-BSNL to pay an amount of Rs.2,50,000/- to the 1st respondent-workman towards full and final settlement in lieu of reinstatement within a period of two months from the date of receipt of a copy of this order. No costs.

Accordingly, the Writ Petition is disposed of.

Miscellaneous petitions pending, if any, shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

17th September, 2019
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