

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.20599 of 2016

ORDER

This writ petition is filed seeking the following relief:

“....to issue a writ, order or directions more in the nature of Writ of Mandamus declaring the office order dated 24.11.2005 passed by the 2nd respondent herein in deleting name of the petitioner from the panel of daily wage drivers of Karimnagar Region is as illegal, arbitrary and violation of principles of natural justice and set aside the same and further direct the respondents to re-engage the petitioner as Driver on daily wage basis and pass such other order or orders in the interest of justice as otherwise the petitioner may suffer irreparable loss and hardship.”

Heard Sri Prabhakar Sripada, learned counsel appearing for the petitioner, learned Government Pleader for Labour appearing for respondents 1 to 3 and Sri V.Mallik, learned counsel appearing for respondents 4 to 27.

The petitioner is a company and it is manufacturing socks. It has engaged the respondent-workmen. Consequent upon recession and various other factors, the petitioner-company had to let off the respondent-workmen. Hence, the respondent-workmen had challenged the let off permission granted by the Commissioner of Labour by filing W.P.No.5657 of 2006. This Court *vide* order dated 2.2.2007 dismissed the same. Aggrieved by the same, the respondent-

workmen preferred W.A.No.916 of 2007. The Division Bench of this Court *vide* order dated 20.04.2015 dismissed the same. Thereafter, the respondent-workmen filed M.P.No.12 of 2005 under Section 33-C (5)(2) of the Industrial Disputes Act, 1947 (for short 'the Act') before the Labour Court-II, Hyderabad, seeking recovery of an amount of Rs.8,77,824/- towards lay off compensation. The Labour Court *vide* order dated 09.02.2016 allowed the petition by granting the said amount of Rs.8,77,824/- towards lay off compensation. Challenging the same, the present writ petition is filed.

Learned counsel appearing for the petitioner contended that in view of dismissal of the writ petition and the writ appeal preferred by the respondent-workmen, the lay off of the petitioner-company has become final. Without disclosing about the pendency of the proceedings before the Labour Court in respect of lay off compensation, the respondent-workmen have challenged the said lay off before this Court. It is further contended that the respondent-workmen have approached the Labour Court with unclean hands and filed M.P.No.12 of 2005 claiming lay off compensation. It is further contended that the respondent-workmen are not entitled for lay off compensation. Even though the respondent-workmen have not adduced any evidence, the Labour Court has granted

an amount of Rs.8,77,824/- towards lay off compensation. It is further contended that in pursuance of the order dated 27.6.2016 passed by this Court in W.P.M.P.No.25246 of 2016, the petitioner has deposited the entire amount. It is further contended that in order to give a quietus to this litigation, the petitioner-company is not interested to pursue the litigation, and the amount which has already been deposited before the Labour Court pursuant to the interim stay granted by this Court on 27.6.2016 in WPMP No.25246 of 2016, may be treated as full and final settlement to the respondent-workmen and that the respondent-workmen are not entitled for any further claims.

Learned counsel appearing for the respondent-workmen contended that the Labour Court has rightly passed the order of lay off compensation in favour of the respondent-workmen and that there are no merits in the writ petition and the same is liable to be dismissed.

Having considered the rival submissions made by the learned counsel on either side, this Court is of the view that the petitioner has already deposited the amount as determined by the Labour Court pursuant to the interim stay granted by this Court on 27.6.2016 in W.P.M.P.No.25246 of 2016 at the time of admission of the writ petition.

In view of the submission made by the learned counsel appearing for the petitioner that the lay off compensation which was already deposited before the Labour Court, would be disbursed to the respondent-workmen towards full and final settlement, the Writ Petition is liable to be dismissed.

Accordingly, the Writ Petition is dismissed. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

20th September, 2019
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