

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.10133 OF 2018

ORDER

This writ petition is filed seeking the following relief:

“...to issue appropriate writ, order or direction more particularly one in the nature of writ of Certiorari calling for the records pertaining to Award dt 21.03.2017 passed in L.C.I.D.No.2 of 2006 by the Respondent No.1 tribunal and quash the same 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 J.Prabhakar, learned counsel appearing for the petitioner, and Sri N.Rajeswara Rao, learned Assistant Solicitor General appearing for respondent No.1.

Petitioner is the Singareni Collieries Company Limited. It had introduced the Voluntary Retirement Scheme *vide* Circular dated 5.10.2001. As per the said Scheme, the employees/workmen, who were working in the petitioner-Company, were supposed to submit their applications from 01.11.2001 to 30.11.2001. One of the employees viz., V.Rajeshwara Rao has submitted an application seeking voluntary retirement within the stipulated time and the said application was accepted by the petitioner-company. The petitioner-company has taken the date as 01.11.2001 for the purpose of calculating ex-gratia amount. The said V.Rajeswara Rao, claiming that ex-gratia amount should be calculated as per the date of his retirement, but not as on

1.11.2001, has raised a dispute through respondent No.2-Union before the Conciliation Officer. After negotiations, the Conciliation Officer has submitted a failure report before the appropriate Government and the appropriate Government has referred the dispute under Section 10 (1) (d) of the Industrial Disputes Act, 1947, to the 1st respondent-Central Government Industrial Tribunal-cum-Labour Court, Hyderabad. The 1st respondent had adjudicated the said dispute and passed an Award on 21.3.2017 in I.D.No.2 of 2006 in favour of the workman holding that the employees/workmen are entitled for ex-gratia amount as on the actual date of retirement, but not on the date fixed by the petitioner-Company. Challenging the same, the present writ petition is filed.

Learned counsel appearing for the petitioner-Company contended that since the company has come up with the Voluntary Retirement Scheme, ex-gratia amount would be calculated based on the date prescribed in the said Scheme, therefore, the finding of the 1st respondent that ex-gratia shall be paid based on the actual date of retirement of the employee is not correct. Hence, the Award passed by the 1st respondent is liable to be set aside.

Learned Assistant Solicitor General appearing for the 1st respondent contended that the 1st respondent has rightly passed the Award in favour of the employee viz., V.Rajeswara

Rao and the 1st respondent has given cogent reasons while passing the award in paragraph No.13 thereof 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 1st respondent has rightly passed the Award in favour of the workman viz., V.Rajeswara Rao and has given cogent reasons for holding that the ex-gratia amount should be calculated as on the actual date of retirement but not on the date fixed by the petitioner-Company. The Award passed by the 1st respondent needs no interference by this Court.

Accordingly, the Writ Petition is dismissed. It is needless to state that the amount, as directed by the 1st respondent, shall be paid to the workman within a period of eight weeks from the date of receipt of a copy of this order. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

Date: 11.11.2019
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