

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.18828 OF 2003

ORDER:

This writ petition is filed seeking a Writ of Certiorari to call for the respondents relating to and connected with the award passed by the Industrial Tribunal-I at Hyderabad in I.D.No.49 of 2001 dated 30.12.2002 and quash or set aside the same holding it as arbitrary, illegal and sought a consequential direction to direct respondent No.1 to regularise the services of the petitioner from the date of regularisation of his immediate junior, with all consequential benefits.

Heard Smt. K. Rajya Lakshmi, counsel for the petitioner, and Government Pleader for Labour.

It has been contended by the petitioner that he was employed with the 1st respondent as casual worker and while he was discharging his duties, his services were disengaged orally from 31.10.1994. The petitioner had further contended that when similarly situated persons approached this Court by filing W.P.No.15699 of 1996, this Court disposed of the said writ petition vide orders dated 13.06.1997 and the services of the petitioners therein were regularised. The petitioner also contended that when his case for regularisation of services is not being considered as was done in the case of several casual employees, he filed I.D.No.49 of 2001 before the Industrial Tribunal. The Tribunal *vide* orders dated 30.12.2002 dismissed the I.D preferred by the petitioner on the ground that the petitioner himself abandoned the

services from 01.11.1994 and gave a specific finding that the petitioner was never terminated as alleged by him.

Counsel for the petitioner contended that when the services of the similarly situated persons were regularised in pursuance of the orders passed by this Court in W.P.No.15699 of 1996 dated 13.06.1997, in all fairness the respondents ought to have regularised the services of the petitioner. Therefore, the counsel contended that appropriate orders be passed directing the respondents to consider the case of the petitioner for regularisation of services by re-inducting him into service, with all consequential benefits.

Government Pleader appearing for the respondents had contended that the Tribunal has rightly dismissed the I.D, as the petitioner has not challenged the termination orders and he has only pleaded for re-induction into service by way of reinstatement with all consequential benefits and for regularisation. Therefore, there are no merits and the writ petition is liable to be dismissed.

This Court, having considered the rival submissions of learned counsel for respective parties, is of the considered view that the petitioner has not challenged the oral termination orders as contended by the Government Pleader. In the absence of challenge to termination orders, the I.D preferred by the petitioner before the Tribunal itself is not maintainable under Section 2A (2) of the Industrial Disputes Act. The petitioner was pleading for regularisation of his services on par with other similarly situated workers who preferred W.P.No.15699 of

1996. The Tribunal has no power to give a direction to regularise the services of the petitioner. Therefore, the Tribunal has rightly dismissed the I.D preferred by the petitioner with specific findings that the petitioner himself has abandoned the services from 01.11.1994 and that the respondent management never terminated the services of the petitioner, as alleged by the petitioner. Thus, 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.

ABHINAND KUMAR SHAVILI, J

12th December, 2019
v v

