

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.18998 of 2006

ORDER :

When the matter is taken up for hearing, it is noticed that the 1st respondent-Workman had retired from service on attaining the age of superannuation.

The petitioner-Corporation is challenging the order dated 19.07.2006 in E.P.No.24 of 2005 in I.D.No.29 of 2004 passed by the Labour Court-III, Hyderabad.

Learned Standing Counsel for the petitioner Corporation submits that the Labour Court ought not to have entertained the E.P.No.24 of 2005 preferred by the 1st respondent-Workman, however, the Labour Court has erroneously entertained and adjudicated E.P.No.24 of 2005 without any jurisdiction and ordered that the petitioner Corporation shall pay Rs.2,23,000/- to the 1st respondent-Workman on or before 21.08.2006.

The learned Standing Counsel for the petitioner Corporation submits that as per the Industrial Disputes Act, 1947 (for brevity "the Act"), E.P.No.24 of 2005 is not maintainable for executing the order dated 28.04.2005 in I.D.No.29 of 2004. If the 1st respondent-Workman is seeking any

relief in the form of monetary benefits, the only remedy available to the 1st respondent-Workman is to file a Miscellaneous Petition under Section 33(c) of the Act, but not the Execution Petition.

This Court, having considered the said submission, is of the considered view that the petitioner Corporation has suffered Award dated 28.04.2005 in I.D.No.29 of 2004 passed by the Labour Court in favour of the 1st respondent-Workman. Instead of challenging the Award dated 28.04.2005 in I.D.No.29 of 2004, the petitioner Corporation is only challenging the consequential order dated 19.07.2006 in E.P.No.24 of 2005 in I.D.No.29 of 2004. When the Award dated 28.04.2005 in I.D.No.29 of 2004 is staring at the petitioner Corporation, they are bound to comply with the said Award. Therefore, the Labour Court has rightly passed order dated 19.07.2006 in E.P.No.24 of 2005 in favour of the 1st respondent-Workman to comply with the Award dated 28.04.2005 in I.D.No.29 of 2004. As no grave irregularity or illegality has been pointed out by the petitioner Corporation so as to interfere with the impugned order dated 19.07.2006 in E.P.No.24 of 2005 passed by the Labour Court, the writ petition is liable to be dismissed.

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

As a sequel, miscellaneous petitions pending, if any, in this writ petition shall stand closed.

05.02.2019.
Msr

JUSTICE ABHINAND KUMAR SHAVILI

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