

**HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI**

**WRIT PETITION NO.3380 OF 2003**

**ORDER:**

This writ petition is filed seeking a writ of Certiorari to call for the records related to and connected with the award in LCID.No.3 of 2001, dated 10.01.2002, passed by the 3<sup>rd</sup> respondent and quash or set aside the same holding it as arbitrary, illegal and vitiated ab initio and sought a consequential direction to direct the respondents to reinstate the petitioner into service with full back wages, continuity of service and protection of seniority.

Heard learned counsel for the parties.

It has been contended by the petitioner that initially he was employed as Casual Labour with the respondents and has worked for more than four years. The grievance of the petitioner is that all other persons who were appointed along with him were continued in service, but his services alone were disengaged. Challenging the same, the petitioner filed LCID.No.3 of 2001 before the 3<sup>rd</sup> respondent. The 3<sup>rd</sup> respondent, vide order dated 10.01.2002, rejected the case of the petitioner. Aggrieved thereby, the present writ petition is filed.

Counsel for the petitioner contended that though the petitioner discharged his duties to the best satisfaction of his superiors and every one concerned, the services of the petitioner were disengaged without assigning any reasons, and even the 3<sup>rd</sup> respondent refused to exercise its power under Section 11-A of the Industrial Disputes Act and

rejected the case of the petitioner. Therefore, counsel for the petitioner contended that appropriate orders be passed in the writ petition directing the respondents to reinstate the petitioner into service with all consequential benefits.

Standing Counsel appearing for respondents 1 and 2 had contended that the petitioner has worked only as casual labour and initially he approached the Central Administrative Tribunal vide O.A.No.1552 of 1998, which was disposed of on 24.12.1998 with a direction to engage the petitioner if and when work is available. Thereafter the petitioner approached the 3<sup>rd</sup> respondent by filing LCID.No.3 of 2001 and, after considering the entire case, the 3<sup>rd</sup> respondent has rejected the case of the petitioner vide impugned order dated 10.01.2002. Standing Counsel further submitted that the petitioner is not entitled for compensation and the writ petition is devoid of merits and therefore, the same is liable to be dismissed.

This Court, having considered the rival submissions of learned counsel for respective parties, is of the considered view that in similar case in **BSNL v. MAN SINGH**<sup>1</sup>, the Hon'ble Supreme Court has granted compensation in lieu of reinstatement. Admittedly, in the instant case, the petitioner has worked as Casual Labour for a period of four years and there is no denial by the respondents that similarly situated persons were continued in service and the petitioner was disengaged in isolation to all other casual employees. Therefore, by following the judgment rendered by the Hon'ble Supreme Court in

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<sup>1</sup> (2012) 1 SCC 558

**BSNL v. MAN SINGH** referred to above, this Court is of the considered view that ends of justice would be met if an amount of Rs.1,00,000/- is paid to the petitioner as compensation in lieu of his reinstatement, within a period of eight weeks from the date of receipt of a copy of this order.

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

Pending miscellaneous petitions, if any, shall stand closed.

24<sup>th</sup> October, 2019  
v v

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**ABHINAND KUMAR SHAVILI, J**

