

**HONOURABLE THE CHIEF JUSTICE
SRI THOTTATHIL B. RADHAKRISHNAN**

AND

HONOURABLE SRI JUSTICE A. RAJASHEKER REDDY

WRIT APPEAL No.1502 OF 2018

IN/AND

WRIT PETITION No.26563 OF 2018

COMMON JUDGMENT: (Oral) (Per Hon'ble the Chief Justice Sri Thottathil B. Radhakrishnan)

We have heard learned counsel for the appellant - writ petitioner.
We have also heard learned standing counsel for the respondent -
Singareni Collieries Company Limited.

2. The short issue that was sought to be agitated by the writ appellant before the learned single Judge is that she is entitled to reinstatement or employment in Singareni Collieries Company Limited, which is an establishment.

3. Hearing the learned counsel for the parties on the basis of the material papers on record, it appears that the petitioner was involved in some activity within the premises of the establishment. We are unable to make out whether it is a case of employment and whether there is a situation of denial of employment. We are also not able to make out whether there was a casual employment or whether it was an engagement, which amounts to employment for any particular period, which would crystallise the rights under the Labour Laws. On the totality of the facts and circumstances of the case, we are inclined to think that the petitioner - writ appellant stands well advised to seek

liberty to withdraw the writ petition itself without prejudice to the contentions and seek remedy in accordance with law, as may be permissible, in appropriate jurisdictions under the Labour Laws.

4. For the aforesaid reasons, we vacate the order passed in the writ petition and allow this writ appeal to that extent and permit the writ petition to be withdrawn without prejudice to any proceedings that the petitioner may institute before the appropriate authority under the Labour Laws. No order as to costs

Miscellaneous Petitions, if any pending, in the writ appeal and the writ petition, stand closed.

THOTTATHIL B. RADHAKRISHNAN, CJ

A. RAJASHEKER REDDY, J

March 7, 2019

MSR/PV