

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No. 2182 of 2007

Date : 29.1.2020

Between:

K Satyanarayana Nalgonda Dist
S/o kasaiah Donala Village Kondamallepalli Post
Devarakonda Mandal Nalgonda District

Petitioner

And

The Joint Director Nalgonda Dist 2 Others
Nalgonda

Respondents

The Court made the following:



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ORAL ORDER:

Heard learned counsel for petitioner, learned Government Pleader for Agriculture and learned Government Pleader for Labour.

2. Petitioner was appointed as Lab-boy cum Watchman on 24.10.1977 by the Deputy Director of Agriculture, Nalgonda to work in Biological Control Laboratory Paracite Production Centre. He claims to have worked from 24.10.1977 to 10.9.1992; it appears he fell sick and did not attend to work from 10.9.1992; when he reported to duty, he was not allowed to join duty. Contending that refusal to permit the petitioner to join duty would amount to termination/ retrenchment without following the due procedure as required by Industrial Disputes Act, 1947, petitioner raised I.D. No. 65 of 2001 on the file of the Labour Court-III, Hyderabad. Defense taken by the respondents before the Labour Court was, petitioner was engaged on daily wage basis and on 17.4.1990 he submitted application to the Agricultural Officer stating that he was not interested to work as he was not satisfied with the job; on 26.4.1990 he submitted application to Joint Director of Agriculture, Nalgonda to cancel his earlier application stating that it was submitted due to physical and mental illness. On 16.9.1992, petitioner went to the office and again informed that he has no interest to work in lab and requested for payment of wages for the month of June, 1992 and as he has worked for 9 days in the said month, he was paid wages for 9 days and thereafter he stopped coming to work.

3. Having regard to the respective submissions and on appreciation of material on record, the Labour Court held that Section 25-F of the I.D.Act, 1947 is not attracted and it is not a case of retrenchment of the petitioner, therefore the claim petition was dismissed.

4. Learned counsel for petitioner contends that when it is specifically stated in the counter before the Labour Court that leave record was not available Labour Court failed to appreciate the contention of petitioner that he was sick. Further, Labour Court erred in holding that petitioner's services for regularization were pending, when it ought to be assumed that his services are regularized as proposals for regularization were already made. Further, Labour Court failed to appreciate that there was no written statement from the petitioner that he has no interest in the job and prayed to set aside the award of the Labour Court.

5. In other words, what is contended is amounting to re-appreciating the evidence on record and coming to a conclusion different from one arrived at by the Labour Court. Jurisdiction of the writ Court against orders passed by the Labour Court in exercise of power of juridical review under Article 226 of the Constitution of India, is very limited to the extent of examining whether the Labour Court has jurisdiction to adjudicate the dispute; whether the decision arrived at by the Labour Court is patently illegal and perverse. In case on hand, none of these parameters are attracted. On consideration of the material on record, Labour Court has recorded clear finding that it was not a case of retrenchment and therefore provisions of Section 25-F of the I.D. Act, 1947 are not attracted.

6. I do not see any error in the decision arrived at by the Labour Court warranting interference by this Court. Accordingly, writ petition is dismissed. Miscellaneous petitions, if any pending, are closed.

P NAVEEN RAO,J

DATE:29-1-2020
TVK

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