

HONOURABLE SRI JUSTICE E.V.VENUGOPAL

W.P.No.20724 of 2006

ORDER:

1. This Writ Petition was filed seeking to issue writ of certiorari calling for the records relating to the impugned award dated 14.09.2004 made in I.D.No.130/02, on the file of the Labour Court-I, Hyderabad and to quash the same.

2. The learned counsel for the petitioner submitted that the Tribunal erred in ordering retiral benefits as well as appointment on compassionate grounds, which do not coexist.

3. On the other hand, the learned counsel for the respondents submitted that as per the Award the respondents are entitled to both the prayers. He further submits that at the most the appointment on compassionate grounds may not survive in view of the interim order dated 20.08.2007, passed in WVMP No.1848 of 2007 in WPMP No.26256 of 2006, yet the petitioners are entitled to the reitral benefits of the deceased – petitioner.

4. In view of the interim order dated 20.08.2007 passed by this Court in WVMP No.1848 of 2007 in WPMP No.26256 of 2006, this writ petition is partly allowed. The direction of the learned Tribunal to the extent of ordering appointment on compassionate grounds is set aside. However, the legal representatives of the deceased petitioner No.1 are entitled to the retiral benefits of the first petitioner till the date of his death, as per the award of the learned Tribunal. The respondents are hereby directed to release the benefits to the legal representatives of the deceased first petitioner within a period of four (4) weeks from the date of receipt of a copy of this order. No order as to costs.

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

JUSTICE E.V.VENUGOPAL

Dated: 02.11.2022
Chs/Vsl

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