

THE HONOURABLE SRI JUSTICE C.V. BHASKAR REDDY

WRIT PETITION NO.23061 OF 2002

ORDER:

This Writ Petition has been filed by the petitioner to quash the award passed in I.D.No.581 of 2000 dated 11.0.4.2002, on the file of the Labour Court as illegal and arbitrary and prayed to issue Writ of Certiorari calling for the records and consequently sought for a direction to reinstate the petitioner into service with all benefits including wages and for other reliefs.

The court while admitting the writ petition has issued notices to the respondents on 19.11.2002 and since then the writ petition is pending for adjudication. The respondents were served with the notices. The case was listed on 24.03.2022 for hearing and submissions were made before this court that the learned counsel for the writ petitioner, K.K.Chakravarthy, is no more and his daughter Smt.N.S.Laxmi offered to file vakalat on behalf of the writ petitioner. Today, when the matter is listed there is no representation.

The averments of the writ petition are that the petitioner was appointed as Helper in the respondents' establishment and worked continuously upto 01.01.2000 and had put in 10 to 18 years of service and the respondents' without following the procedure prescribed under Section 25(f) of the Industrial Disputes Act, 1947 (for short "the Act") and without paying retrenchment compensation removed the petitioner from the service. The Tribunal after going through the entire material found that the 2nd respondent establishment

has complied with the provisions of Section 25-F (A & B) of the Act and paid the amount to the petitioner as compensation in view of closure of the factory and has come to the conclusion that the respondents have followed provisions of the Industrial Disputes Act and accordingly passed an award dismissing the petition.

The respondents filed counter affidavit stating that the writ petition is not maintainable under Article 226 of the Constitution of India, as the grounds put forth by the writ petitioner does not satisfy the requirement that the lower Court has failed to exercise its jurisdiction vested in or exceeded the jurisdiction. Further, it is also stated that the respondent has closed its manufacturing process with effect from 31.12.1999 and not able to pay the normal wages to the workmen due to continuous losses for the last 2 to 3 years and there was a bipartite settlement between the workmen and the management under Section 18(1) of the Act for a period of three years and in terms of the agreement amount had been paid to the workmen and a closure notice was issued on 31.12.1999, and the same was communicated to the petitioner on 31.12.1999 through registered post by enclosing a demand draft for Rs.27,142/-, and an amount of Rs.27,142/- was received by the petitioner as compensation in lieu of the closure of factory on 04.01.2000 and the said amount also included notice period and wages for December, 1999 and retrenchment compensation was paid in terms of provisions of the Act and as such, sought for dismissal of the Writ Petition.

The perusal of the findings recorded by the Tribunal would disclose that in the award vide I.D.No.581 of 2000 dated 11.0.4.2002, the respondent has complied the Section 25-(F) (A & B) of ID Act, in paying the compensation amount and notice of pay to the writ petitioner and the same was accepted by the petitioner and as such the Labour Court has dismissed the Industrial Dispute vide award dated 11.04.2002 and therefore I find no reason to interfere with the findings recorded by the Labour Court in exercise of jurisdiction Article 226 of the Constitution of India.

The Writ Petition is accordingly dismissed. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this Writ Petition, shall stand closed.

SRI JUSTICE C.V. BHASKAR REDDY

Dated: 02.09.2022.

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