

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

AND

THE HON'BLE SRI JUSTICE NAMAVARAPU RAJESHWAR RAO

Writ Appeal No.1289 of 2008

JUDGMENT: *(Per Hon'ble Justice Abhinand Kumar Shavili)*

This Writ Appeal is filed by the appellant aggrieved by the order passed by the learned Single Judge in W.P.No.3404 of 1994, dated 02.09.2004.

2. Heard Mr. Harsha Reddy, learned counsel for the appellant and Mr. K. Vasudeva Reddy, learned counsel for the respondents.

3. Learned counsel for the appellant contended that the 2nd respondent-Union has raised a dispute before the Conciliation Officer in respect of certain differences in fixation of pay and dust allowance and also for grant of Grade 'A' certificate; when the conciliation talks failed, the Conciliation Officer has referred the dispute to the appropriate Government; the appropriate Government referred the dispute to the Industrial Tribunal, Hyderabad (for short, 'the Tribunal') under Section 10(1)(d) of Industrial Disputes Act, 1947, and the same was numbered as I.D.59 of 1984; the Tribunal vide orders

dated 01.09.1993, was pleased to pass an award in favour of the 2nd respondent-Union by granting dust allowance and also posting of Ropes Splicers in category V in 2nd and 3rd shifts, and also granted Grade 'A' certificate in favour of the 2nd respondent-Union; aggrieved by the same, appellants have preferred W.P.No.3404 of 1994 before this Court; the learned Single Judge of this Court has granted partial relief in favour of the appellant vide orders dated 02.09.2004, and the relief of difference of wages which was granted by the Tribunal was set aside, but in respect of other reliefs, the learned Single Judge confirmed the award passed by the Tribunal; aggrieved by the same, the present writ appeal is filed by the appellant and therefore, prayed this Court to pass appropriate order in the writ appeal by setting aside that portion of the Single Judge's order and also the award passed by the Tribunal in granting the dust allowance and Grade 'A' certificate and allow the writ appeal.

4. Learned counsel appearing for the respondents-Union contended that the Tribunal has looked into the case in detail and was pleased to grant dust allowance and also Grade 'A' certificate in favour of the respondents-

Union; therefore, the learned Single Judge has rightly confirmed the award passed by the Tribunal; and therefore, there are no merits in the Writ Appeal and the same is liable to be dismissed

5. This Court having considered the rival submissions made by both the parties is of the considered view that the learned Single Judge was justified in confirming the award passed by the Tribunal and rightly interfered with the portion of the award where difference of wages were granted by the Tribunal. Therefore, this Court is not inclined to interfere with the order passed by the learned Single Judge. Accordingly, the Writ Appeal is dismissed. No costs.

6. As a sequel, miscellaneous applications pending if any in this Writ Appeal, shall stand closed.

ABHINAND KUMAR SHAVILI, J

NAMAVARAPU RAJESHWAR RAO, J

Date : 03.11.2022
Myk/prat