

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.13699 OF 2002

ORDER

This writ petition is filed seeking to issue a Writ of Certiorari calling for the records relating to and connected with the Award dated 15-02-2002 passed in I.D.No.71 of 1999 by the Labour Court-I, Hyderabad, and to quash or set aside the same by holding it as arbitrary and illegal.

Heard Sri N.Vasudeva Reddy, learned Standing Counsel appearing for the petitioner-Nizam Sugar Factory and Sri G.Ravi Mohan, learned counsel appearing for the 1st respondent-workman.

It is the case of the petitioners that the 1st respondent-workman was appointed as Seasonal Workman in the cadre of Mazdoor. Due to lack of raw material and frequent lay-off, the petitioner-Management had introduced Voluntary Retirement Scheme in the month of April, 1998. The 1st respondent had not opted the said scheme. The petitioner-Management had no other option except to retire the 1st respondent on 1.2.1999. Challenging the said termination order, the 1st respondent had preferred I.D.No.71 of 1999 before the Labour Court. The Labour Court vide order dated 10-10-2001 passed order in favour of the 1st respondent-workman, which reads as under:

“In the result, the retrenchment is valid and the petition is dismissed without costs. The 1st respondent is hereby directed to treat the retrenchment of the petitioner as if retirement under V.R.Scheme and pay difference of compensation to him in 30 days from the date of publication of the Award in order to settlement of final accounts uniformly to all its employees. The petitioner is not entitled for reinstatement into service. This Award is passed accordingly. This Award will come into force under Section 17-A of I.D.Act 1947 in 30 days from the date of its publication.”

Challenging the same, the present writ petition is filed by the petitioner-Nizam Sugar Factory.

Learned counsel appearing for the petitioners submits that though the Labour Court held that the retrenchment of the respondent-workman was valid, it ought not to have directed the petitioners to treat the retrenchment of the respondent-workman as if retirement under Voluntary Retirement Scheme and pay difference of compensation.

Learned counsel appearing for the 1st respondent submits that the Labour Court had rightly passed the Award and directed the petitioner-Management to pay the difference of compensation and no illegality has been pointed by the petitioners to set aside the order passed by the Labour Court.

Having considered the rival submissions made by the learned counsel on either side, this Court is of the considered view that when no illegality has been pointed out by the petitioners, it is difficult for this Court to modify or set aside

the order passed by the Labour Court. Moreover, when the matter is taken up for hearing, it is informed that 50% of the difference of compensation as directed by the Labour Court was already paid to the 1st respondent-workman. The issue remains to be considered is only with regard to balance difference of compensation to be paid to the 1st respondent-workman as directed by the Labour Court.

Hence, ends of justice would be met if a direction is given to the petitioner-Management to pay the balance difference of compensation to the 1st respondent-workman.

Accordingly, the Writ Petition is disposed of. The petitioner-Management is directed to pay the balance difference of compensation to the 1st respondent-workman. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

4th September, 2018
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