

**THE HON'BLE MR JUSTICE B.PRAKASH RAO**

**And**

**THE HON'BLE DR JUSTICE G.YETHIRAJULU**

WRIT APPEAL NO.1490 of 2002

30<sup>th</sup> September 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 10.07.2002 in W.P.NO.11075 OF 2002 on the file of the High Court.)

Between:

D.Shanker, S/o.Late Ramaswamy, 35 years, Ex-Conductor E.No.326214, R/o.20-447, Mamata Nagar, Parkal, Warangal District.

**...APPELLANT/RESPONDENT**

**AND**

1. The Industrial Tribunal-Cum-Labour Court, Hamakonda, Warangal, rep.by its Chairman.
2. APSRTC, rep.by its Depot Manager, Bus Depot, Parkal, Warangal District.

**...RESPONDENTS**

THE HON'BLE MR JUSTICE B.PRAKASH RAO

And

THE HON'BLE DR JUSTICE G.YETHIRAJULU

W.A.NO.1490 of 2002

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**JUDGMENT:** (Per the Hon'ble Mr Justice B.Prakash Rao)

Heard both the sides.

The appellant/petitioner seeks to assail the dismissal order dated 10.07.2002 in Writ  
Petition No.11075 of 2002.

The ground urged on behalf of the appellant is that without giving a preliminary  
finding and providing an opportunity as contemplated under the decision reported in  
***Cooper Engineering Limited v. P.P.Munde***, the Labour Court passed an award  
and therefore, the matter requires to be remitted for fresh enquiry and disposal.

Having heard the learned counsel on either side and on perusal of the material  
available on record, it is seen that there is no regular finding or enquiry as  
contemplated under the decision cited *supra*.

Following the decision cited *supra*, the Writ Appeal is allowed and  
consequently the Writ Petition is also allowed. The matter is remitted to the Labour  
Court for fresh enquiry on merits, after giving opportunity and notice to both the  
sides.

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**(B.PRAKASH RAO, J)**

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**(DR G.YETHIRAJULU, J)**

30<sup>th</sup> September 2005

RRB

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