

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

FRIDAY, THE THIRTY FIRST DAY OF JULY
TWO THOUSAND AND NINE

PRESENT

THE HON'BLE SRI JUSTICE SANJAY KUMAR

-
WRIT PETITION No.21792 OF 1999

Between:

Mateti Gattaiah S/o Lingaiah
R/o Godavarikhani, Karimnagar District

..... PETITIONER

AND

1 The Management of Singareni Collieries Co. Ltd.
Rep. By its General Manager, Ramagundam,
Karimnagar District

2 The Govt. of India Rep. by its Secretary,
Ministry of Labour, New Delhi

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue any Writ, Order or direction more particularly one in the nature of Writ of Mandamus or any other appropriate Writ, Order or direction and declare the award passed in ID.No.40 of 1993 dated 15.11.1996 on the file of Industrial Tribunal-I, Hyderabad, as illegal, void and discriminatory for not granting the back wages and all other benefits to the petitioner here in though they were granted to the similarly situated persons, consequently direct the respondents here in to grant or award back wages and all other benefits which the petitioner herein is entitled on par with persons and pass such other or orders

Counsel for the Petitioner : MR.I.LAXMIKANTHA RAO

Counsel for the Respondents: MR.K.SRINIVASA MURTHY

The Court made the following :

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THE HON'BLE SRI JUSTICE SANJAY KUMAR

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WRIT PETITION NO.21792 OF 1999

ORDER:

This writ petition is filed challenging the Award dated 15.11.1996 in I.D.No.40 of 1993 on the file of the Industrial Tribunal-I, Hyderabad, on the ground that it did not extend the benefit of back wages and other benefits to the petitioner though such benefits were granted to similarly situated persons. A consequential direction is sought to grant him the said reliefs.

The petitioner along with Devarakonda Buchaiah and Naspuri Mallaiah was subjected to disciplinary proceedings by the Singareni Collieries Company Limited, the first respondent herein, (hereinafter referred to as 'the Company') and was dismissed from service on 29.09.1982. Aggrieved thereby, the petitioner raised an Industrial Dispute in I.D.No.40 of 1993 before the Industrial Tribunal-I, Hyderabad, which was compromised by and between the parties and the same was embodied in the Award dated 15.11.1996.

A reading of the said Award would indicate that a joint memo was filed in I.A.No.217 of 1996 in the I.D. on 15.11.1996 stating to the effect that the petitioner and the Company had entered into a settlement under Section 18(1) of the Industrial Disputes Act, 1947 and requesting the Industrial Tribunal to pass an Award in term of the compromise. Accordingly, the Award was passed in terms of the said compromise dated 08.11.1996 treating the matter as settled out of Court.

The petitioner states that other workman who was dismissed

from service along with him, viz. Naspuri Mallaiah raised an independent dispute in I.D.No.74 of 1988 before the Industrial Tribunal-I, Hyderabad and the said I.D. resulted in the Award dated 16.04.1994 on merits, whereby the Company was directed to reinstate Naspuri Mallaiah in service with full back wages and all other attendant benefits. The grievance of the petitioner is that he had been denied the relief of back wages and attendant benefits and was only reinstated in service whereas Naspuri Mallaiah who was identically situated with him was granted the said relief by the Industrial Tribunal-I, Hyderabad.

The learned counsel appearing for the Company submitted that the Award dated 16.04.1994 in I.D.No.74 of 1988 was challenged before this Court in Writ Petition No.15415 of 1996 and the same was set aside and the matter was remitted to the Industrial Tribunal for fresh consideration, by order dated 26.03.2007.

Be that as it may, the fact remains that the petitioner himself entered into a settlement with the Company and voluntarily requested the Industrial Tribunal-I, Hyderabad, to pass an Award in terms of the said compromise. Having done so, it is not open to the petitioner to now challenge the said Award on the ground that certain benefits were denied to him.

The Writ Petition is therefore devoid of merit and is accordingly dismissed. No costs.

SANJAY KUMAR, J.

31st July, 2009.
VGSR / PGS