

IN THE HIGH COURT OF TELANGANA AT HYDERABAD

W.P.No.16230 OF 2019

Between:

Madras Fertilizers Limited & two others

... **Petitioners**

And

The Union of India & another

... **Respondents**

JUDGMENT PRONOUNCED ON: 03.06.2024

THE HON'BLE MRS JUSTICE SUREPALLI NANDA

1. Whether Reporters of Local newspapers : Yes
may be allowed to see the Judgment?
2. Whether the copies of judgment may be : Yes
marked to Law Reporters/Journals?
3. Whether Their Lordships wish to : Yes
see the fair copy of the Judgment?

SUREPALLI NANDA, J

THE HON'BLE MRS JUSTICE SUREPALLI NANDA**W.P.No.16230 OF 2019****% 03.06.2024****Between:**

Madras Fertilizers Limited & two others

... **Petitioners****And**

\$ The Union of India & another

... **Respondents**

< Gist:

> Head Note:

! Counsel for the Petitioners : Mr.M.A.Shakeel**^ Counsel for Respondents** : Asst. Solicitor General of
India, for R1
Mr.V.Hari Haran, for R2

? Cases Referred:

(1) (2013) 5 SCC 470

(2) (2022) 2 SCC 25

THE HON'BLE MRS. JUSTICE SUREPALLI NANDA**W.P. No.16230 OF 2019****ORDER:**

Heard Mr.M.A.Shakeel, the learned counsel appearing on behalf of the petitioners, learned Assistant Solicitor General of India, appearing on behalf of respondent No.1, and learned Senior Designate Counsel Mr.V.Hariharan, appearing on behalf of respondent No.2.

PRAYER:

2. **The petitioners approached the court seeking prayer as under:**

"...to issue an appropriate writ order or direction more particularly one in the nature of Writ of Certiorari calling for the records relating to connected with the Order passed by the Central Government Industrial Tribunal-cum-Labour Court in MP No.79/2017 dated 17.06.2019 and to quash the same as absolutely illegal, perverse and contrary to law and judgments holding the field and consequently declare that the Order granted to the Respondent No.2 as illegal and to set aside the same in the interest of justice..."

3. **PERUSED THE RECORD:**

A) The counter affidavit of the respondent No.2, in particular, para 6, 8, 9, 10, 15 read as under:

6. In further reply to para.no.4 to 10, it is true that I challenged the order of dismissal in L.C.I.D.215 of 2004 wherein after re-appreciating the evidence on record the Hon'ble Tribunal by order dated 16-1-2006 set aside the order of dismissal and granted reinstatement without back wages and a lesser punishment of stoppage of two increments with cumulative effect was imposed. I challenged the denial of back wages in W.P.No.17819 of 2007 and the Petitioner Management challenged my reinstatement into service in W.P.No.14936 of 2006. Both the Writs were heard and a common order was passed by order 29-1-2013, wherein, the Writ filed by Petitioner Management was allowed, thereby setting aside the award of reinstatement and dismissed claim for back wages. However, when the same was challenged in the Writ Appeal. NoS.405, 409 of 2013, the Hon'ble Division Bench by order dated 4-7-2014 set aside the order passed by the Hon'ble Single Judge in the Writ Petitions and upheld the Award of the Tribunal dated 16-01-2006 granting reinstatement. The Petitioner Management further carried the matter to the Hon'ble Supreme Court and filed SLP No.29956- 29957 of 2014, which was also dismissed vide order dated 26-8-2016, confirming the award passed by the Central Government Industrial Tribunal. The Review Petitions

in No.3738-3739/2016 filed by the Petitioner Management were also dismissed by the Hon'ble Supreme Court vide orders dated 30-11-2016. Hence the award of the Tribunal dated 16-1-2006 attained finality. Having no other alternative, the Petitioner issued a reinstatement letter dated 9-12-2016 posting me at Madurai. I reported to duty on 19.12.2016 as Sr. Assistant in Gr. V position. The Petitioner Management did not reinstate me in my original place of work, from where I was dismissed removed from service, at Hyderabad. I made a representation to the Petitioner Management seeking to implement the Award without dilution.

8. In further reply to para Nos.11, 12 and 13, it is false and misleading to state that the Advocate Commissioner was appointed without following law. I submit that the Tribunal after the denial of the Petitioner to the entitlement claimed and maintainability of the Petition before it, felt it just and proper to appoint a Pleader Commission under section 33C(3) of the ID Act 1947 r/w. Rule 33 and Rule 34, to come to a clear picture to ascertain the actual entitlement. I submit that after following due process of law, Mr.Y.Ranjeeth Reddy, Advocate was appointed vide order dated 16-11-2018 in the MP, as he used to appear in the Tribunal in most cases as Advocate Commissioner to examine the issue and was well versed in service matters. **The Petitioner neither objected nor challenged the appointment of Pleader Commissioner by the Tribunal. The Pleader**

Commissioner after perusing the documents submitted by both the parties submitted report dated 21-1-2019 by only taking into consideration of documents relied upon by both parties, the same was not challenged by the Petitioner.

9. In reply to para Nos.14 to 16, it is submitted that even according to Section 33 C (3) of ID Act, when read along with Rule 63 of the Industrial Dispute (Central) Rules, 1957 states, "The Labour Court may appoint a person with experience in the particular industry, trade or business involved in the Industrial dispute". The Dispute before the Tribunal is questioning the maintainability of the application and computation of entitlement claimed before it. It was proper and necessary to appoint a person with considerable experience and who dealt with Industrial Disputes. The Learned Counsel appointed as Advocate Commissioner is with considerable experience and had appeared in many cases (as Advocate Commissioner) before it and had all requisite qualifications and expertise. The Petitioner did not raise any objection to the appointment of the Commissioner vide order dated 16-11-2018 in the MP before the Tribunal, on the other hand the petitioner participated in the proceedings before the Advocate Commissioner by filing its counter to the claim of 2nd respondent herein and also filed their calculation sheet without following their own circulars and even not adding any increment to the 2nd respondent for the entire period of claim. The Report submitted by the Advocate Commissioner

dated 21-1-2019 also was not challenged. The Petitioner now is precluded from agitating the same before this Hon'ble Court, and such issue is raised only to drag the issue further without any basis.

10. In reply to para Nos.17 and 18, it is false to state that the Tribunal did not apply its mind to the Report submitted by the Advocate Commissioner dated 21-1-2019 independently. Though the Tribunal gave specific time to file objections if any on the report of the Advocate Commissioner, the petitioner did not raise any objections, except stating the self same stand stating that the 2nd respondent is not entitled to any amount. It is submitted that the Award passed by the Tribunal is well considered and in accordance with law. According to the calculation sheet submitted by me based on the documents issued by the Petitioners, mainly the bulletins issued by the Petitioner company, revised pay scales issued by public enterprises, Government of India with effect from 1-1-2007 to different periods relating to DA points and other documents regarding promotions, leaves transfers and all other benefits issued by Petitioner Company from time to time, I am entitled to claim to a sum of an amount of Rs.90,96,597/- (the original claim being Rs.74,09,013/) during the period from 16-01-2006 to 31-05-2017. After considering the deduction of Section 17 B wages already paid to the me as admitted by the petitioners and further after deductions of the Provident Fund contribution (employee's share) also including the interest to be transferred to the

Petitioner's PF Trust, thereby the entitlement comes to a net amount of Rs.62,59,303/-. The Petitioner though has made objections to the total sum entitled and net amount after deductions, they did not raise any substantial ground as to which way the entitlement is bad in law nor disputed any of the supporting documents filed by the 2nd respondent herein. The Petitioners also failed to point out what other circumstances were ignored while passing the Award. Though the Petitioner filed written arguments on 2-1-2019 Petitioner did not object to any documents filed by me nor raised any specific objection regarding the calculation sheet.

15. In reply to para.24 to 27, I submit that Judgments cited have no relevance to the facts in the present case even according to the Petitioners calculation submitted before the Advocate Commissioner in Ed.R10 I was entitled to wages for amount of Rs.23,24,971/-after deducting sec 17 B wages of Rs.14,32,61/-. The calculation sheet submitted by the Petitioner management did not include and increment due to promotion or even regular normal increment or any other benefits, such as the EPF and other dues. The Petitioners did not show any reason for such non-inclusion except stating that I am not entitled to any benefits, as I did not work during the claimed period, which is untenable and unsustainable in view of the upholding of Award dt.16/01/2006 by the Hon'ble Supreme Court. Having stated thus the Petitioner Management again cannot take a stand that I am not entitled to back wages. **It is a well settled**

principle of law that once the Petitioner Management approached the Higher Court against the award instead of reinstating a worker and the Hon'ble High Court dismissed the case of the Petitioner-management in the appeal, it is deemed that the worker shall be in employment and shall be entitled to all the benefits as per award. Even as per the amendment to Sec 25HH of the ID Act1947 introduced during the year 1987, if the Labour Courts/Industrial Tribunal grants reinstatement into service, the employee is deemed to be in service and the employee can claim the said benefits under Section 33 C of 1.D.Act. 1947.

4. **The case of the petitioners in brief, as per the averments made by the petitioners in the affidavit filed by the petitioners in support of the present writ petition, is as under:**

a) The 2nd petitioner herein is working as General Manager (P&A) with Madras Fertilizers Limited (for short "MFL"). Madras Fertilizers Limited was incorporated under the Companies Act, 1956 and existing under the present Companies Act, 2016. MFL is a public sector undertaking with the Government of India holding 59.50% of the shares, Naftiran Intertrade Co.(NICO) Limited

holding 25.77% of shares and the public holding 14.73% of shares in it.

b) The petitioners herein are challenging the order of the Central Government Industrial Tribunal-cum-Labour Court at Hyderabad in M.P.No.79 of 2017 dated 17.06.2019 granting back wages of Rs.62,59,303/- along with interest @ 6% p.a.

c) The 2nd respondent joined the service of MFL, as Assistant on 22.01.1990 and he was promoted as Senior Assistant on 01.04.1995. During the course of employment, it was found that respondent No.2 involved in various activities contrary to the policy of the company. Hence, the appointing Authority placed the respondent No.2 under suspension through order dated 18.02.2004 and charges were leveled against the respondent No.2 vide charge sheet dated 09.03.2004. Aggrieved by the same, the respondent No.2 filed W.P.No.4966 of 2004 and the same was disposed of giving time to respondent No.2 to submit his explanation.

d) Thereafter, the 2nd respondent submitted his explanation, but the disciplinary authority not satisfied with the explanation, ordered a departmental enquiry, in turn the Enquiry

Officer submitted his report dated 10.08.2004 holding that the charges were proved against the respondent No.2 and the disciplinary authority passed an order dated 26.08.2004 dismissing the services of respondent No.2.

e) The 2nd respondent approached the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad by filing LCID No.215 of 2004 assailing the order of dismissal. The Tribunal passed an Award dated 16.01.2006 directing the petitioners to reinstate the 2nd respondent into service without back wages and with stoppage of two increments with cumulative effect. The 2nd respondent and petitioners filed writ petitions before the Hon'ble High Court of Andhra Pradesh, the learned Single Judge by its order in W.P.No.14936 of 2006 dated 29.01.2013 confirmed the order of dismissal of respondent No.2 by setting aside the order of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad in LCID No.215 of 2004 and dismissed the said writ petition filed by respondent No.2. The 2nd respondent challenged the order of the learned Single Judge before a Division Bench of this Court and the Division Bench vide its order in Writ Appeal Nos.405 and 409 of 2013 dated 04.07.2014 upheld the Award

passed by the Tribunal, reinstating the 2nd respondent in the service of the petitioners by reversing the Judgment of the single judge.

f) Further it is the case of the petitioners that a Special Leave to Appeal was filed by the petitioners against the judgment of the Division Bench. The Hon'ble Supreme Court in SLP Nos.29956-29957 of 2014 dismissed the Special Leave Petitions vide its order dated 26.08.2016, thereafter the petitioners moved a Review petition before the Hon'ble Supreme Court and the same was also dismissed vide its order in Review Petition (Civil) Nos.3738-3739 of 2016 dated 30.11.2016. After dismissal of the Review Petitions by the Hon'ble Supreme Court, the petitioners issued an order of reinstatement dated 09.12.2016 to the 2nd respondent and in pursuance to the order, the 2nd respondent joined duty on 19.12.2016.

g) Further it is the case of petitioners that the 2nd respondent after joining duty, moved Central Government Industrial Tribunal-cum-Labour Court, Hyderabad for recovery of money under Section 33C of the Industrial Disputes Act, 1947 ("ID Act") on the ground that it is due from MFL with a prayer to direct MFL to pay an amount of Rs.74,09,013/- along with interest @ 12%

from the date of filing of the petition to the date of payment, but the same was opposed by the petitioners herein. The Central Government Industrial Tribunal-cum-Labour Court, Hyderabad vide its order in MP No.79 of 2017 dated 16.11.2018, without following the law for appointment of commissioners, appointed an Advocate Commissioner by name Mr.Y.Ranjeeth Reddy, Advocate to examine the issue between both the parties and to submit a report. Thereafter, the Advocate Commissioner submitted a report vide letter dated 21.01.2019. Based on the report of the Advocate Commissioner and without independently considering the report or applying its mind, the Tribunal passed the Award dated 17.06.2019 granting a huge relief to respondent No.2 by ordering the petitioners to pay a sum of Rs.62,59,303 to respondent No.2. Aggrieved by the same, the petitioners filed the present writ petition.

5. The main submissions put forth by the learned counsel appearing on behalf of the petitioner:

- a) The appointment of the Advocate as Commissioner under Section 33C (3) is illegal and contrary to the provisions of ID Act read with Rule 63 of ID Rules.

b) The Central Government Industrial Tribunal-cum-Labour Court, Hyderabad totally relied on the illegal report of the Advocate Commissioner without independently considering the report and passing the Award dated 17.06.2019

c) The Advocate Commissioner is neither an expert in fertilizer industry nor he is Judge or Magistrate or Registrar or Secretary of any Civil Court/Tribunal/National Tribunal constituted under the State or Central Act as per Rule 63 of the Industrial Disputes (Central) Rules, 1957.

d) The Appointment of an Advocate as Commissioner is illegal, any report given by the Advocate Commissioner is illegal and any Award placing reliance on the Advocate Commissioner's report is also illegal and liable to be quashed.

e) Not only the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad failed to consider the report of the Advocate Commissioner independently but also failed to consider "other circumstances" before giving the Order.

f) The Central Government Industrial Tribunal-cum-Labour Court, Hyderabad, failed to examine the Advocate Commissioner before passing the Order.

g) Central Government Industrial Tribunal-cum-Labour Court, Hyderabad failed to grant opportunity to the Petitioners to

examine the Advocate Commissioner on the reasoning leading to granting the huge relief to Respondent No.2.

h) The Central Government Industrial Tribunal-cum-Labour Court, Hyderabad failed to see that the Advocate Commissioner has given a whopping 23% increase over the original claim and the same was accepted without verification or even a single query with regard to that.

i) The Central Government Industrial Tribunal-cum-Labour Court, Hyderabad failed to see that the original claim submitted by Respondent No.2 before the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad was only Rs.74,09,013 and whereas the Advocate Commissioner has granted relief of Rs.90,96,597 which is far more excessive than the claim submitted by Respondent No.2 before the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad.

j) The Central Government Industrial Tribunal-cum-Labour Court, Hyderabad failed to consider the "other circumstances" like the financial position of the Petitioners, whether the Respondent No.2 was engaged in any business/employment during the period of dismissal, whether awarding full back wages is warranted in the circumstances of the case

k) The Advocate Commissioner erroneously relied on the judgment of the Hon'ble Andhra Pradesh High Court reported in 2000(1) ALD 336 which is not at all applicable to the facts

of the case. The case relied on by Respondent No.2 before Advocate Commissioner relates to a case under Section 17B of the ID Act relating to payment of full wages to workman pending proceedings in higher courts whereas the present case relates to Section 33C of ID Act which relates Recovery of money due from an Employer.

l) The Central Government Industrial Tribunal-cum-Labour Court, Hyderabad & Advocate Commissioner failed to consider the binding judgments of the Hon'ble Supreme Court relating to payment of back wages to a workman in case of reinstatement.

m) The Respondent No.2 neither pleaded nor proved that he was sitting idle and never engaged in gainful employment or business to claim the back wages.

n) The Central Government Industrial Tribunal-cum-Labour Court, Hyderabad failed to see that the Advocate Commissioner liberally granted back wages by taking into account promotion and other benefits which cannot be given to a workman who contributed nothing at all and failed to see that promotions are not a matter of course.

o) The Central Government Industrial Tribunal-cum-Labour Court, Hyderabad failed to consider that the Respondent No.2 claimed only an amount of Rs.21 lakhs before the Lok Adalat set up by the Hon'ble Supreme Court to settle the matter between the parties and hence a substantial claim of almost 5

times will be a windfall or a lottery to a workman who contributed nothing to the public sector enterprise.

p) The Central Government Industrial Tribunal-cum-Labour Court, Hyderabad failed to see that such payments will only encourage the delinquent employees to fight against the employer and discourage the employees who sincerely work for the company.

q) The Central Government Industrial Tribunal-cum-Labour Court, Hyderabad failed to see that the direction was to reinstate the employee without back wages which order was confirmed by Hon'ble Supreme Court only on 26.08.2016.

DISCUSSION AND CONCLUSION:

6. Though the writ petition has been filed in the year 2019, a bare perusal of the docket sheet does not indicate any orders having been passed in favour of the petitioners herein, and the record indicates that the 2nd respondent joined the services of the 1st petitioner as Assistant on 22.01.1990 and was promoted as Senior Assistant w.e.f., 01.04.1995. During the course of employment the Petitioner Management placed the 2nd respondent under suspension, pending enquiry by an order dated 18-02-2004, followed by charge sheet dated 9-3-2004, wherein 7 charges were levelled against the 2nd respondent and explanation was demanded

within 2 days. The 2nd respondent filed a Writ Petition challenging the action of the Petitioner in the W.P.No.4966 of 2004 which was disposed granting a time of 7 days to the 2nd respondent to submit his explanation and the 2nd respondent submitted the explanation on 15-3-2004, and dissatisfied by the same, the Petitioner Management initiated Departmental Enquiry on 6-4-2004 against the 2nd respondent. The 2nd respondent gave his explanation on 8-4-2004 and the Enquiry Officer affirmed the charges levelled against the 2nd respondent vide report dated 10.8.2004. A show cause notice was issued on 12-08-2004, the 2nd respondent submitted an explanation on 18-8-2004, the Petitioner Management found the explanation unsatisfactory and dismissed the 2nd respondent from service vide order dated 26-8- 2004.

7. The 2nd respondent challenged the order of dismissal in L.C.I.D.215 of 2004 wherein after re-appreciating the evidence on record the Hon'ble Tribunal by order dated 16-1-2006 set aside the order of dismissal and granted reinstatement without back wages and a lesser punishment of stoppage of two increments with cumulative effect was imposed. The 2nd respondent challenged the denial of back wages in W.P.No.17819 of 2007 and the Petitioner

Management challenged 2nd respondent reinstatement into service in W.P.No.14936 of 2006. Both the Writs were heard and a common order was passed by order 29-1-2013, wherein, the Writ filed by Petitioner Management was allowed, thereby setting aside the award of reinstatement and dismissed claim for back wages. The same was challenged in the Writ Appeal Nos.405, 409 of 2013, the Hon'ble Division Bench by order dated 4.7.2014 set aside the order passed by the Hon'ble Single Judge in the Writ Petitions and upheld the Award of the Tribunal dated 16.01.2006 granting reinstatement. The Petitioner Management further carried the matter to the Hon'ble Supreme Court and filed SLP No.29956-29957 of 2014, which was also dismissed vide order dated 26.8.2016, confirming the award passed by the Central Government Industrial Tribunal. The Review Petitions in No.3738-3739/2016 filed by the Petitioner Management were also dismissed by the Hon'ble Supreme Court vide orders dated 30.11.2016.

Hence the award of the Tribunal dated 16-1-2006 attained finality. The Petitioner issued a reinstatement letter dated 9.12.2016 posting 2nd respondent at Madurai and the 2nd respondent reported to duty on 19.12.2016 as Sr. Assistant in

Gr. V position. The Petitioner Management did not reinstate the 2nd respondent in 2nd respondent's original place of work, from where 2nd respondent was dismissed removed from service, at Hyderabad. The 2nd respondent made a representation to the Petitioner Management seeking to implement the Award without dilution.

8. The 2nd respondent again approached the Tribunal with the rightful entitlement by claiming full wages, bonus, leaves, promotions and benefits, deducting the wages paid as per section 17 B from the date of award i.e. 16.01.2006 till the reinstatement. The 2nd respondent filed a calculation sheet before the Tribunal along with the petition detailing the amounts dues as per the award. The petitioner did not file any objections to 2nd respondent specific claim on any count.

9. The Tribunal appointed the Advocate Commissioner under section 33C(3) of the ID Act 1947 r/w. Rule 33 and Rule 34, to come to a clear picture to ascertain the actual entitlement. The Petitioner neither objected nor challenged the appointment of Pleader Commissioner by the Tribunal. The Pleader Commissioner after perusing the documents submitted by both the parties submitted report dated

21.1.2019 by only taking into consideration of documents relied upon by both parties, the same was not challenged by the Petitioner.

10. A bare perusal of Section 33 C (3) of ID Act, when read along with Rule 63 of the Industrial Dispute(Central) Rules, 1957 states that "The Labour Court may appoint a person with experience in the particular industry, trade or business involved in the Industrial dispute". The Petitioner did not raise any objection to the appointment of the Commissioner vide order dated 16-11-2018 in the MP before the Tribunal, on the other hand the petitioner participated in the proceedings before the Advocate Commissioner by filing its counter to the claim of 2nd respondent herein and also filed their calculation sheet without following their own circulars and even not adding any increment to the 2nd respondent for the entire period of claim. The Report submitted by the Advocate Commissioner dated 21-1-2019 also was not challenged. The Petitioner now is precluded from agitating the same before this Court, and as such this Court opines

that the issue is raised only to drag on the matter without any basis.

11. The Apex Court on the principle of Approbate and Reprobate in its 2 judgments observed as under :

(1) The Supreme Court in Rajasthan State Industrial Development & Investment Corpn. v. Diamond & Gem Development Corpn. Ltd. reported in [(2013) 5 SCC 470 : (2013) 3 SCC (Civ) 153], made an observation that a party cannot be permitted to “blow hot and cold”, “fast and loose” or “approbate and reprobate”. Where one knowingly accepts the benefits of a contract or conveyance or an order, is estopped to deny the validity or binding effect on him of such contract or conveyance or order. This rule is applied to do equity, however, it must not be applied in a manner as to violate the principles of right and good conscience.

(2) In Union of India and Others v. N. Murugesan and Others, reported in (2022) 2 SCC 25 :

“Approbate and reprobate - These phrases are borrowed from the Scots law. They would only mean that no party can be allowed to accept and reject the same thing, and thus one cannot blow hot and cold. The principle behind the doctrine of election is inbuilt in the concept of approbate and reprobate. Once again,

it is a principle of equity coming under the contours of common law. Therefore, he who knows that if he objects to an instrument, he will not get the benefit he wants cannot be allowed to do so while enjoying the fruits. One cannot take advantage of one part while rejecting the rest. A person cannot be allowed to have the benefit of an instrument while questioning the same. Such a party either has to affirm or disaffirm the transaction. This principle has to be applied with more vigour as a common law principle, if such a party actually enjoys the one part fully and on near completion of the said enjoyment, thereafter questions the other part. An element of fair play is inbuilt in this principle. It is also a species of estoppel dealing with the conduct of a party".

12. This Court opines that the Petitioner having participated in the proceedings before the Advocate Commissioner and after filing counter affidavit in the year 2018 cannot come up with the present writ petition in the year 2019 raising pleas as an afterthought which admittedly had not been raised before the Advocate Commissioner. This Court opines that even as per the amendment to Section 25H of the I.D. Act, 1947 introduced during the year 1987, if the

Labour Courts/Industrial Tribunal grants reinstatement into service, the employee is deemed to be in service and the employee can claim the said benefits under Section 33C I.D.Act, 1947.

13. Taking into consideration:

(a) The specific averments made in the counter affidavit filed by the 2nd respondent,

(b) Duly considering the reasoned order passed in M.P.No.79 of 2017 dated 17.06.2019 by the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad,

(c) Duly taking into consideration the Judgments of the Apex Court referred to and extracted above, and

(d) Duly taking into consideration the fact as borne on record that once the petitioner management approached the Higher Court against the Award instead of reinstating a worker and High Court dismissed the case of the petitioner management in the appeal, it is deemed that the worker shall be in employment and shall be entitled to all the benefits, as per the Award, hence,

this Court opines that there are no merits which warrants interference under Article 226 of the Constitution of India and accordingly, the same is dismissed. However there shall be no order as to costs.

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

SUREPALLI NANDA, J

Date: 03.06.2024

Note : L.R. Copy to be marked.
B/o.Yvkr