
(2009) 02 KAR CK 0030
In the Karnataka High Court
Case No : W.A. No. 724 of 2008

K.S.R.T.C. Staff and Workers Federation (AITUC) APPELLANT
Vs
Management of K.S.R.T.C. and Others RESPONDENT

Date of Decision : 12-02-2009

Acts Referred:

Citation : (2009) 4 LLJ 881

Hon'ble Judges : P.D. Dinakaran, C.J;K.L. Manjunath, J

Bench : Division Bench

Advocate : Narayanaswamy, for M.C. Narasimhan, Assistants, for the Appellant;
B. Veerappa, G.A. for Respondent No. 2 and Ashok Harnahalli, Assistants for
Respondent Nos. 1 and 3, for the Respondent

Final Decision : Dismissed

Judgement

K.L. Manjunath, J.—The appellant who has lost his writ petition before the learned single Judge in W.P. No. 27178/2003 dated March 8, 2007 is questioning the legality and correctness of the order in dismissing the petition.

2. Facts leading to this case are:

Appellant as General Secretary of KSRTC Staff and. Workers Federation (AITUC) filed writ petition challenging the award rejecting the reference by the Labour Court, Mangalore in Ref. No. (LCM) 42/01 wherein the request of the petitioner for reinstatement and regularisation of service of four workmen was rejected. Earlier, petitioner had raised a dispute in Ref. No. 44/93 and the same was referred to the Labour Court. During the pendency of the aforesaid dispute, workmen were terminated from the services. Therefore Labour Court by its order dated September 11, 2000 held that reference was not maintainable on account of the termination of those four workmen. However, liberty was granted to raise a fresh dispute and seek redressal of their grievance.

3. In this background, fresh reference was raised by the workmen seeking reinstatement and the same was referred to the Labour Court, Labour Court

rejected the reference on the ground that it was a stale dispute and that the workmen did not establish that they had worked continuously for a period of 240 days in a year to seek the relief of reinstatement under the provisions of the Industrial Disputes Act, 1947.

4. Learned single Judge after hearing parties has come to the conclusion that workmen did not produce any material to show that they were engaged continuously for a period of 240 days. Accordingly, he dismissed the writ petition by concurring with the views of the Labour Court. Challenging the order of dismissal of the writ petition and so also the rejection of reference by the Labour Court, present appeal is filed by the appellant.

5. We have heard the counsel for the appellant.

6. The main contention of the appellant before the Court is that Labour Court as well as learned single Judge have committed an error in rejecting the reference on the ground that it is a stale reference. He further contends that in view of the pendency of the matter before the Labour Court, subsequent reference cannot be said to be a stale reference and he further contends that learned single Judge has committed an error in dismissing the petition on the ground that workmen did not produce any documents to show that they had worked continuously for a period of 240 days in a year. Therefore, he requests the Court to set aside the order passed by the learned single Judge by allowing this appeal.

7. Having heard the counsel for the appellant, we do not see any reasons to interfere with the order passed by the learned single Judge for the following reasons:

Even if we accept the contention that reference was not a stale reference, it is Unfortunate that the appellant did not prove that the workmen had completed 240 days of continuous service in a year. No material was placed either before the Labour Court or before the learned single Judge and so also before this Court. In the circumstances, we are of the view that the learned single Judge has not committed any error which calls for our interference in intra-Court appeal.

8. Accordingly, this appeal is dismissed