

(2014) 12 KAR CK 0174

In the Karnataka High Court

Case No : Writ Appeal Nos. 15368-15370 of 2011(L-KSRTC)

Mallikarjuna

APPELLANT

Vs

Karnataka State Road Transport Corporation

RESPONDENT

Date of Decision : 01-12-2014

Acts Referred:

Industrial Disputes Act, 1947 — Section 10(4A)

Citation : (2014) 12 KAR CK 0174

Hon'ble Judges : Ravi V. Malimath, J;K.L. Manjunath, J

Bench : Division Bench

Advocate : K. Srinivasa for STM Associates, Advocate for the Appellant; H.R. Renuka, Advocate for the Respondent

Judgement

Ravi V. Malimath, J.—Aggrieved by the order passed by the learned Single Judge in writ petitions 8627 to 8630/2010 allowing the writ petitions and quashing the award of the Labour Court the respondents before the learned Single Judge have filed this appeal.

2. The case of the appellants is that when they were employed as casual labourers with the respondent Corporation, on 19-6-2004 they were terminated by virtue of oral instructions. Thereafter they filed claim petition under Section 10(4-A) of the Industrial Disputes Act before the Labour Court, Bangalore. The Labour Court, Bangalore, by its order allowed the claim petition and directed the respondent-Corporation to treat them as a casual labourers in the same position in which they were engaged earlier by the Corporation. Aggrieved by the same, the Corporation filed the instant writ petitions.

3. The learned Single Judge was of the view that there was no material to show that the appellants were employed as casual labourers. That even though they alleged that they were appointed as casual labourers, none of the records would substantiate such a plea, much less a plea that they have completed 240 days of continuous service in the preceding year. Therefore, the petition was allowed. The learned Single Judge. was also of the view that even if their appointments is

accepted the same was not by virtue of process of recruitment under the KSRTC(Cadre and Recruitment) Regulations, 1984 which require issuing of notification for appointment and selection. Such appointments is not valid in the eyes of law. Hence, the petition was allowed.

4. The learned counsel for the appellants contends that the impugned order is bad in law and liable to be set aside. The learned Single Judge has not considered the fact that the appellants have put in service for more than 240 days in a preceding year.

5. On hearing learned counsels, we are of the view that there is no merit in this appeal. No material has been produced by the appellants to show as to when they were appointed as casual labourers. Even none of the records would show that they were employed for any period much less a period of 240 days. It is for this reason that the learned Single Judge held that in the absence of any material to show that they were in the employment of the respondent the question of regularization of their services or treating them as casual labourers would not arise for consideration.

6. On hearing learned counsels, we are of the view that there is no error committed by the learned Single Judge that calls for any interference. Apparently, the Labour Court committed an error in holding that the appellants had worked continuously for a period of 240 days. There is no material on record nor is anything produced even at this stage to show that they had rendered 240 days of service for any period. Therefore, the order of the Labour Court directing reinstatement is improper. The finding recorded by the learned Single Judge is just and proper. We do not find any error that calls for any interference. Accordingly, this appeal is dismissed.