



2024-TSHC:50152
[3300]

HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)

WEDNESDAY, THE TWENTIETH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HON'BLE SRI JUSTICE NAGESH BHEEMAPAKA

WRIT PETITION NO: 11747 OF 2019

Between:

1. B. Srihari,, S/o. late Sailu, aged about 53 years, Occ Un-employee, R/o. 29-15/2, Old Neredmet, Secunderabad.
2. D. Srinivas,, S/o. late Ramdas, aged about 49 years, Occ Un-employee, R/o. SRT 61, Prakash Nagar, Begumpet, Hyderabad.

...PETITIONERS

AND

1. The Management of Voltas Limited,, Rep. by its Managing Director, D. No. 7-2-1813/5/A, Santhinagar, Hyderabad- 500 018.
2. The Voltas Employees Co-Operative Canteen Ltd, Rep. by its President, K. Srinivas Rao, D. No. 87-D, R.P. Road, Secunderabad

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an appropriate writ or direction particularly one in the nature of WRIT OF CERTIORARI, quash the impugned order dated 14.05.2019 made in I.A. No. 20 of 2017 in I.D. No. 23 of 2016 on the file of Additional Industrial Tribunal-cum-Labour Court, Hyderabad as illegal, unjust and in violation of Art. 14 and 21 of the Constitution of India and consequently the petitioners pray this Honourable Court to direct the court below to add the Management of Voltas Employees Co-operative Canteen Ltd., as party respondent No.2 in I.D. No. 23 of 2016 for its effective adjudication in the interest of justice and fair play

IA NO: 1 OF 2019

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to stay



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all further proceedings in I.D. No. 23 of 2016 on the file of Additional Industrial Tribunal-cum-Labour Court, Hyderabad pending disposal of the above writ petition in the interest of justice and fair play

Counsel for the Petitioners: SRI V. NARASIMHA GOUD

Counsel for Respondent No. 1: SRI D. R. HARI PRASAD

Counsel for Respondent No. 2: SRI M. V. DURGA PRASAD

The Court made the following: ORDER

**THE HON'BLE SRI JUSTICE NAGESH BHEEMAPAKA****WRIT PETITION No.11747 of 2019****ORDER:**

It is the case of the petitioners that they worked in 2nd respondent-Establishment Canteen established by the respondent No.1- Management of Voltas. It is stated that when the Labour Department directed the 1st respondent to issue appointment orders to the petitioners herein, among others working in respondent No.2-Canteen, respondent No.1 filed W.P.No.16828 of 2003. Respondent No.2 herein was arrayed as respondent No.3 in the said writ petition. The writ petition was allowed in favour of 1st respondent (i.e., Management of Voltas).

2. The petitioners preferred W.A.No.339 of 2007, arraying the respondent No.2 herein as respondent No.3. The Hon'ble Division Bench, vide order dated 25.04.2007 dismissed the Appeal, however, directed the Conciliation Officer to submit reports in terms of Section 12(4) of 1947 Act to the appropriate Government and or Authorized Officer within two weeks. It is stated when the matter was sent to the Government, the Government referred the dispute to the trial Court, wherein the case was numbered



as I.D.No.23 of 2016, and respondent No.2 was not made a party-respondent to the said Industrial Dispute. It is stated that the respondent No.1-Management of Voltas transferred the properties of respondent No.2-Canteen, along with its Registers and other records, to a third party, when the property was under Criminal Court custody vide Letter, dated 07.03.2011. The petitioners filed I.A.No.20 of 2017 in I.D.No.23 of 2016 requesting the Labour Court to permit them to implead respondent No.2 as a party-respondent to the I.D proceedings, as the Management of respondent No.1 has taken stand that the petitioners are employees of respondent No.2. The Labour Court dismissed the I.A.No.20 of 2017 on 14.05.2019 by observing that no prejudice would be caused to the petitioners, due to non-impleadment of respondent No.2. The petitioners therefore assail the Dismissal Order, dated 14.05.2019 made in I.A.No.20 of 2017 and seeks a direction to the Labour Court to implead the respondent No.2-Canteen as a party respondent to the I.D for its efficacious adjudication.

3. Counter affidavit is filed by respondent No.1, the material contentions in the counter affidavit touching the



grievance in the writ petition is that respondent No.2-Canteen was established in 1977 for providing refreshments/eatables at low prices to the employees of Voltas Limited, however, due to various reasons, respondent No.1 decided to terminate the canteen arrangement and, accordingly, the Management of respondent No.1 and its Union Members entered into a Memorandum of Understanding, dated 21.08.1998, where under the employees accepted lunch reimbursement and in view of the MOU, the Canteen ceased to exist.

4. It is also stated in the counter that the Honourable Division Bench of this Court in W.A.No.1136 of 2003 held that it will be open for Voltas Employees Co-operative Canteen Limited (i.e., respondent No.2 herein) to conduct elections or appoint person in-charge to manage the affairs of the committee as per Law. Subsequent to the aforesaid order, one Mr. Ch. Satyanarayana Reddy, Sub-Divisional Cooperative Officer was appointed as official person in-charge, and in view thereof, the Managing Committee of the canteen does not exist.

5. It is also stated that the City Civil Court, Secunderabad in I.A.No.254 of 2011 in O.S.No.147 of 2011 held that Voltas Employees Cooperative Canteen Limited was terminated, and the President has no *locus-standii* to represent the Suit and dismissed the Injunction Petition bearing I.A.No.254 of 2011.
6. It is further contended that even in the present writ petition, petitioners have not filed any document to establish the *locus-standii* of the authorized signatory of Voltas Employees Cooperative Canteen Limited to represent the petitioners.
7. Heard learned counsel for respondent Nos.1 and 2. Perused the record.
8. Learned counsel for respondent No.2 submits that respondent No.2 does not have any objection for impleadment as a party respondent in the Proceedings before the Labour Court.
9. It may be noted that the petitioners have worked in respondent No.2-Canteen and the respondent No.1 has taken a stand that the petitioners are employees of



respondent No.2-Canteen and the submissions made by respondent No.2 would show that they have no objection for impleadment in the proceedings before the Labour Court as a party respondent.

10. Having considered respective submissions and the nature of grievance and relief sought, the Writ Petition is allowed, directing the Labour Court to implead respondent No.2 as party to the Proceedings in I.D.No.23 of 2016. No order as to costs.

As a sequel, miscellaneous applications pending, if any, in this writ petition, shall stand closed.

//TRUE COPY//

Sd/- A. V. S. PRASAD
ASSISTANT REGISTRAR


SECTION OFFICER

To,

1. The Managing Director, Management of Voltas Limited, D. No. 7-2-1813/5/A, Santhinagar, Hyderabad- 500 018.
2. Sri K. Srinivas Rao, he President, Voltas Employees Co-Operative Canteen Ltd, D. No. 87-D, R.P. Road, Secunderabad
3. One CC to Sri V Narasimha Goud Advocate [OPUC]
4. One CC to Sri D. R. Hari Prasad Advocate [OPUC]
5. One CC to Sri M. V. Durga Prasad, Advocate(OPUC)
6. Two CD Copies

MBC



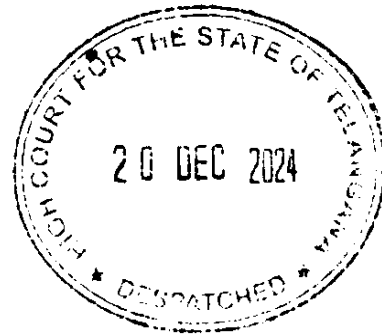


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HIGH COURT

NBK,J

DATED: 20/11/2024



ORDER

WP.No.11747 of 2019

ALLOWING THE WRIT PETITION

WITHOUT COSTS

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