

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
WEDNESDAY ,THE FIRST DAY OF NOVEMBER TWO THOUSAND AND
TWENTY THREE

:PRESENT:

THE HONOURABLE SMT JUSTICE P.MADHAVI DEVI
WRIT PETITION NO: 27989 OF 2023

Between:

M/s. Fourth Estate Ltd,, The Times of India Press (BenettColemn and Co Ltd)
Nacharam, Hyderabad. Rep. by its Consultant.

Petitioner

AND

1. K.V. Venkateswara Rao, S/o. Late Sri VenkataRatnam, Aged about 47 years, Employee Code No 610001 Sr Engineer, R/o. 477/ 16A, Plot No.16, Road No 2 Annapurna Colony, Nacharam, Hyderabad - 500076.
2. The Presiding Officer, Labour Court -I, 1st Floor, M.J. Road, Nampally, Hyderabad.

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 order, direction or writ particularly one in the nature of Writ of Certiorari and to quash and set aside the award in so far as Para's 10 and 11 of the award in I.D. No. 187 of 2018 dated 15/12/2022 on the file the Labour Court -I, Hyderabad and to allow this writ petition;

IA NO: 1 OF 2023:

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 suspend the operation of the award in so far as Para's 10 and 11, of the award in I.D. No. 187 of 2018 dated 15/12/2022 on the file the Labour Court -I, Hyderabad, pending disposal of WP 27989 of 2023, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of SRI SAI PRASEN GUNDAVARAM Advocate for the Petitioner and Sri S RAVINDRANATH Advocate for the Respondent 1 and GP for LABOUR for the Respondent 2, the Court made the following.

ORDER:

Notice before admission.

Mr.S.Ravindranath, learned counsel takes notice on behalf of respondent No.1 and waives further notice.

Learned Government Pleader for Labour takes notice on behalf of respondent No.2 and waives further notice.

Registry is directed not to issue notice to respondents in view of this waiver.

Learned counsel for the petitioner submitted that the Labour Court has passed award dated 15.12.2022 in I.D.No.187 of 2018 directing the respondents to reinstate the petitioner therein into service without any backwages and attendant benefits. It is submitted that while passing the award, the Labour Court has made certain observations in Para Nos.10 and 11 about applicability of Majithia Wage Board award. It is further submitted that in another I.D.No.137 of 2018, the tribunal observed that whether the claim of the employee in demanding amounts in terms of Majithia Wage Board recommendations under the Working Journalists and other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955 from the management M/s. Fourth Estate Limited was justified or not and during the pendency of the such I.D., the petitioner before the Labour Court had filed two I.As. to implead Bennett Coleman Company Limited as respondent No.2 and another I.A. filed under Section 11 of the I.D. Act to summon Mr. Manohar Raju as a witness. It is submitted that both the I.As. were dismissed by the Labour Court *vide* orders dated 08.11.2019 and against the same, the respective parties have filed W.P.No.26321 of 2019 before this Court and interim stay was granted by this Court *vide* order dated 28.11.2019 and the said writ petition is pending. Thus, according to him, the question of applicability or otherwise of Majithia Wage Board recommendations is pending before the Labour Court and hence it cannot be implemented since there is a stay granted by this Court. According to him, Labour Court should not have gone into and directed the petitioner herein to follow Majithia Wage Board award. He is therefore seeking suspension of the observations of the Labour Court in Para Nos.10 and 11 with regard to the same.

Learned counsel for the respondent No.1, however opposed the same and submitted that the interim order, if granted by this Court should be subject to compliance of Section 17(B) of the Industrial Disputes Act by the writ petitioner.

Learned counsel for the writ petitioner submitted that the employee i.e., respondent No.1 has filed writ petition before this Court challenging the reinstatement order passed by the petitioner and this Court has granted stay of the same. Therefore, since the petitioner has complied with the directions of the Court and reinstated the petitioner, the question of compliance of Section 17(B) would not arise at this stage.

Having regard to the above submissions and also that the issue whether the Majithia Wage Board award is to be considered or not or whether it has been stayed by the Court needs detailed hearing, this Court is inclined to grant interim suspension of Para Nos.10 and 11 in I.D.No.187 of 2018 published *vide* G.O.Rt.No.70 dated 03.02.2023. However, with regard to the contention of the learned counsel for the respondent No.1 to direct the writ petitioner to comply with the Section 17(B) of I.D. Act, this Court finds that the writ petitioner has complied with the directions of the Court by issuing the reinstatement order and the same has been challenged by the employees in this Court on the

Registry is directed not to issue notice to respondents in view of this waiver.

Learned counsel for the petitioner submitted that the Labour Court has passed award dated 15.12.2022 in I.D.No.187 of 2018 directing the respondents to reinstate the petitioner therein into service without any backwages and attendant benefits. It is submitted that while passing the award, the Labour Court has made certain observations in Para Nos.10 and 11 about applicability of Majithia Wage Board award. It is further submitted that in another I.D.No.137 of 2018, the tribunal observed that whether the claim of the employee in demanding amounts in terms of Majithia Wage Board recommendations under the Working Journalists and other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955 from the management Mrs. Fourth Estate Limited was justified or not and during the pendency of the such I.D., the petitioner before the Labour Court had filed two I.As. to implead Bennett Coleman Company Limited as respondent No.2 and another I.A. filed under Section 11 of the I.D. Act to summon Mr. Manohar Raju as a witness. It is submitted that both the I.As. were dismissed by the Labour Court *vide* orders dated 08.11.2019 and against the same, the respective parties have filed W.P.No.26321 of 2019 before this Court and interim stay was granted by this Court *vide* order dated 28.11.2019 and the said writ petition is pending. Thus, according to him, the question of applicability or otherwise of Majithia Wage Board recommendations is pending before the Labour Court and hence it cannot be implemented since there is a stay granted by this Court. According to him, Labour Court should not have gone into and directed the petitioner herein to follow Majithia Wage Board award. He is therefore seeking suspension of the observations of the Labour Court in Para Nos.10 and 11 with regard to the same.

Learned counsel for the respondent No.1, however opposed the same and submitted that the interim order, if granted by this Court should be subject to compliance of Section 17(B) of the Industrial Disputes Act by the writ petitioner.

Learned counsel for the writ petitioner submitted that the employee i.e., respondent No.1 has filed writ petition before this Court challenging the reinstatement order passed by the petitioner and this Court has granted stay of the same. Therefore, since the petitioner has complied with the directions of the Court and reinstated the petitioner, the question of compliance of Section 17(B) would not arise at this stage.

Having regard to the above submissions and also that the issue whether the Majithia Wage Board award is to be considered or not or whether it has been stayed by the Court needs detailed hearing, this Court is inclined to grant interim suspension of Para Nos.10 and 11 in I.D.No.187 of 2018 published *vide* G.O.Rt.No.70 dated 03.02.2023. However, with regard to the contention of the learned counsel for the respondent No.1 to direct the writ petitioner to comply with the Section 17(B) of I.D. Act, this Court finds that the writ petitioner has complied with the directions of the Court by issuing the reinstatement order and the same has been challenged by the employees in this Court on the

ground that it is a transfer order. After going through the impugned order in the writ petition filed by the employee, this Court finds that it is only a reinstatement order directing the petitioner to join the place to which he has been transferred i.e., Chennai. Since, the very same order has been stayed by this Court and the petitioner has not joined the organization at his own instance, there cannot be any direction to the writ petitioner to pay wage under Section 17 (B) of the I.D.Act.

In view of the same, the matter is adjourned for four weeks for filing of counter by the respondents.

List this matter on 29.11.2023 along with W.P.No.9156 of 2023 and batch.

//TRUE COPY//

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

SECTION OFFICER

To,

1. K.V. Venkateswara Rao, S/o. Late Sri VenkataRatnam, Aged about 47 years, Employee Code No 610001 Sr Engineer, R/o. 477/ 16A, Plot No.16, Road No 2 Annapurna Colony, Nacharam, Hyderabad - 500076.
2. The Presiding Officer, Labour Court -I, 1st Floor, M.J. Road, Nampally, Hyderabad. (1 & 2 by RPAD)
3. One CC to SRI. SAI PRASEN GUNDAVARAM Advocate [OPUC]
4. Two CCs to GP FOR LABOUR, High Court at Hyderabad. [OUT]
5. One spare copy

HIGH COURT

PMDJ

DATED:01/11/2023



**POST ON 29-11-2023 ALONG WITH
WP.NO.9156 OF 2023 AND BATCH**

ORDER

WP.No.27989 of 2023

DIRECTION