

Court No. - 8

Case :- WRIT - C No. - 17227 of 2017

Petitioner :- Managing Director U.P.S.R.T.C Lko And Ors

Respondent :- Presiding Officer Labour Court Lko And Anr

Counsel for Petitioner :- Dharendra Chaturvedi, Ambika Prasad

Counsel for Respondent :- C.S.C, Amar Nath Tripathi, Manoj Kumar Sahu

Hon'ble Pankaj Bhatia, J.

1. Heard Shri Ambika Prasad, learned counsel for the petitioners and Shri Amar Nath Tripathi, learned counsel for respondent no.2.

2. Present petition has been filed challenging the award dated 04.11.2016 whereby an award was passed in favour of respondent no.2 directing reinstatement and 50% back wages was also awarded till the time, respondent no.2 was to superannuate.

3. From perusal of the award, what transpires is that in respect of the disciplinary inquiry initiated against the petitioner, a preliminary issue was framed as to whether the inquiry conducted against respondent no.2 was an inquiry in accordance with law or not. The said issue was decided on 14.08.2015 against the petitioner and after deciding the same against the petitioner, an opportunity was granted to the petitioner to lead evidence, which according to the award, the petitioner never availed of.

4. In the present writ petition, there is no challenge to the order dated 14.08.2015. It is admitted at the Bar that the opportunity of evidence as given by the Tribunal was not availed of, as such, in respect of the finding of the Tribunal with regard to reinstatement, no material exists to enable this Court to interfere with the said award.

5. As regards the grant of 50% back wages, the order of the Tribunal itself records that the workmen had pleaded that despite efforts he did not find any employment; the said award further records that apart from the pleadings, no effort was made by the respondents to adduce any evidence to that effect and in fact, even in the oral testimony, no such statement was given to support the pleading as pleaded by respondent no.2.

6. In the entire writ petition or from the records, there transpires nothing to demonstrate that the petitioner had controverted the

specific pleading by respondent no.2, as such, the pleading of respondent no.2 was uncontroverted, thus, on that count also, no interference is called for.

7. The writ petition lacks merit and is accordingly ***dismissed.***

Order Date :- 14.12.2023

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