HON'BLE SRI JUSTICE S. RAVI KUMAR

WRIT PETITION No.23717 of 2003

ORDER:

This writ petition is filed to quash award, dated 03-08-2000 in Industrial Dispute No.171 of 1996 on the file of Industrial Tribunal – cum – Labour Court, Godavarikhani.

2. The petitioner was working as Assistant Depot Clerk in the respondent corporation and as he was absent for duty from 06-06-1996 a charge memo was issued to the petitioner for which the petitioner gave his explanation, dated 01-07-1996 and not satisfied with the explanation an enquiry was ordered and Enquiry Officer submitted his report, basing on the enquiry report removal order, dated 09-08-1996 was passed and challenging the same, the petitioner approached Labour Court, Godavarikhani and the Presiding Officer, Labour Court having found that the removal of the petitioner from the service is not justified ordered for reinstatement but refused to give back-wages and the same is questioned before this Court in this writ.

3. Heard arguments.

4. Advocate for petitioner submitted that the Labour Court has not given any findings with regard to the important document Ex.M5 which is a Medical Certificate, dated 30-06-1996 which shows that the petitioner was suffering with typhoid fever from 11-06-1996 to 30-06-1996. It is further submitted that the Labour Court has not at all discussed any material like Exs.M-1 to M-18, only extracted the details of those

documents, except that nothing is stated as to why those documents are accepted or why those documents are discarded. It is further submitted that the award cannot be treated as a reasoned award, therefore, the same has to be set aside.

5. On the other hand, advocate for corporation submitted that the Medical Certificate, dated 30-06-1996 is a certificate issued by private doctor which is contrary to the fitness certificate issued by Government hospital Ex.M-6 and therefore, the Labour Court is right in discarding the same.

6. I have perused the award, dated 03-08-2000. As rightly pointed out by advocate for petitioner the award is not a reasoned one and it is a cryptic order. There is no discussion about documents relied on by the Workmen and the management and also to the explanation offered by the petitioner for his absence from 06-06-1996 to 22-06-1996.

7. As seen from the record the petitioner was admittedly on sick leave from 23-05-1996 to 05-06-1996 and this unauthorized absence period is in continuation of that sick leave. According to petitioner, as he was attacked with typhoid fever he could not attend to his duties and he offered his explanation though Ex.M7. The Labour Court has not even referred to about explanation of workman in its order and as rightly pointed out by the advocate for the petitioner it is a fit case to set aside the award and remit back the matter to the Labour Court for fresh consideration.

8. For these reasons, award, dated 03-08-2000 is set aside and the matter is remitted back to the Labour Court, Godavarikhani for

fresh consideration. As the industrial dispute is of the year 1996 the Presiding Officer, Labour Court, Godavarikhani shall dispose of the same, as expeditiously as possible, preferably within a period of three (3) months from the date of receipt of a copy of this order by giving opportunity to both sides.

9. The writ petition is disposed of accordingly.

10. Miscellaneous petitions pending, if any, shall stand closed. No costs.

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S. RAVI KUMAR, J

December 28, 2015
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