

HONOURABLE SRI JUSTICE S.RAVI KUMAR

WRIT PETITION No.23993 OF 2003

Dated 27-11-2015

Between:

The Depot Manager, APSRTC, Rajampet, Cuddapah District.

..Petitioner.

And:

The Industrial Tribunal-cum-Labour Court, Ananthapur represented by its Presiding Officer and another.

..Respondents.

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ORDER:

This writ petition is filed challenging the award dated 2-1-2003 in I.D.No.265 of 2000 on the file of Labour Court, Ananthapur whereunder learned Presiding Officer while setting aside the dismissal order ordered reinstatement of the employee First respondent herein with half back wages and by giving punishment of deferment of increment with cumulative effect.

Heard arguments.

Main grievance of Corporation is that the award of Labour court is contrary to law and it failed to consider the gravity of the charges in the light of regulations of the corporation. It is further contended that labour court is not justified in interfering with the punishment awarded by the Disciplinary Authority particularly without giving finding with regard to charges proved against employee.

As seen from the record, charges leveled against second respondent

employee are that he behaved in an unruly manner with the Traffic Inspector of Rajampet Depot in an intoxicate condition. The corporation removed second respondent herein for that charge and Labour Court by relying on the decision of Honourable Supreme Court in *VED PRAKASH GUPTA V. M/S.DELTON CABLE INDIA (P) LTD.*, () held that punishment imposed against second respondent employee is grossly disproportionate to the proved the misconduct.

Learned advocate for the petitioner corporation submitted that Labour Court erred in awarding half of the back wages to the petitioner and at least to that extent the award of the labour court has to be modified.

From the submissions of the counsel for the petitioner, it is clear that the second respondent herein has retired from service on 17-5-1999 and award of the labour court is dated 2-1-2003. So, the period is hardly three years four months, for which, only half back wages were granted which will work out roughly to one year eight months.

Considering the facts and circumstances of the case, I am of the view that this is not a fit case to interfere with the award passed by the Labour Court, Ananthapur and that the writ petition is devoid of merits.

Accordingly, this Writ Petition is dismissed. No costs.

As a sequel to the disposal of this writ petition, the Miscellaneous Petitions, if any, pending, shall stand dismissed.

JUSTICE S.RAVI KUMAR

Dated 27-11-2015.

Dvs.

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Dvs