

HON'BLE SRI JUSTICE S. RAVI KUMAR

WRIT PETITION No.12641 of 2003

ORDER:

This writ petition is filed challenging award dated 24.01.2003 in ID No.131 of 2000 published on 22.2.2003 as illegal, unjust and contrary to the extent of denying back wages and continuity of service.

2. Petitioner joined in second respondent-Corporation as conductor on 15.02.1984 and his services were regularized in the year 1984. While so, on 11.01.2000, when petitioner was discharging functions as conductor on route Hyderabad to Narayanapet, checking officials conducted a check at Stage No.11 at about 20.15 hrs, and in pursuance of that, a charge memo was issued to petitioner alleging that he failed to observe rule of 'issue and start'. Thereafter a departmental enquiry was conducted, in which, he was found guilty, and on the basis of that enquiry report, petitioner was removed from service. Challenging the removal order, petitioner approached Labour Court and the Labour Court registered the same as ID No.131 of 2000 and on a consideration of the material, Labour Court ordered for reinstatement without back wages and continuity of service. Aggrieved by the same, petitioner preferred present writ petition.

3. Advocate for writ petitioner submitted that the Award of Labour Court, Hyderabad is illegal and contrary to the principles of natural justice. He submitted that petitioner has not committed any misconduct and there was no malafide intention and he offered a detailed explanation to the charge memo, but his explanation was not properly considered both by the enquiry officer and the

Labour court. He further submitted that punishment given to petitioner is disproportionate to the award and the labour Court having ordered for reinstatement ought to have granted back wages and continuity of service.

4. As seen from the material, petitioner has submitted his explanation to the charge memo denying the same. During enquiry, enquiry officer recorded the statements of Sri K.N. Goud, TTI, Sri Y.C.Venkat, a witness passenger and Sri Y.C. Venkanna, another witness passenger besides the statement of petitioner. On considering the said statements and other material, enquiry officer found that the charges levelled against petitioner are proved. Basing on the enquiry report, punishment of removal was given to petitioner. Challenging the same, he approached the Labour Court. In the trial Court, petitioner contended that the enquiry officer has not considered his explanation properly and was carried away with the statements of checking inspector and witnesses. Labour Court examined 20 documents including the report of the enquiry officer and held that all the findings of enquiry officer are just and reasonable and a fair opportunity was given to petitioner during enquiry and that the enquiry officer followed principles of natural justice. Labour Court has also observed that even before giving punishment, objections were called for from petitioner on the findings of enquiry officer, and only on considering the objections, punishment was awarded. Labour court has also observed that when the appellate authority on a proper consideration of the material rejected his appeal and held that the enquiry officer has rightly found that the charges are proved. While considering the punishment, Labour court noticed that petitioner was punished on earlier occasions. Labour Court noticed that increments of petitioner were deferred on 11

occasions as a punishment and that he was removed once in the year 1977, but subsequently he was reinstated as per the Award in I.D.No.242 of 1992 and considering these aspects Labour Court ordered for reinstatement as a fresher and held that he is not entitled for back wages or any attendant benefits.

5. On a scrutiny of the material, Labour court has shown sympathy towards petitioner, i.e., in spite of his earlier punishments again ordered for reinstatement as fresher and the award of the Labour court cannot be termed as illegal or arbitrary. Therefore, the contention of petitioner that denying back wages and continuity of service as arbitrary cannot be accepted.

6. For these reasons, I am of the view that this writ petition is devoid of merits and liable to be dismissed.

7. Accordingly, this Writ Petition is dismissed. No costs. Miscellaneous Petitions pending in this writ petition, if any, shall stand closed.

S. RAVI KUMAR, J

Date: 09-12-2015.

gvl