

**IN THE HIGH COURT OF JUDICATURE AT
HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE
OF ANDHRA PRADESH**

WRIT PETITION No.4057 of 2001

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Between :

A.P. State Road Transport Corporation,
Mushirabad, Hyderabad,
Rep. by its Managing Director
and another.

... Petitioners

AND

Industrial Tribunal-cum-Labour Court,
Ananthapur,
Rep. by its Chairman-cum-Presiding Officer
and another.

... Respondents

DATE OF JUDGMENT PRONOUNCED: 07.08.2015

SUBMITTED FOR APPROVAL:

THE HON'BLE JUSTICE S. RAVI KUMAR

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| 1. | Whether Reporters of Local newspapers may be allowed to see the Judgments? | Yes/No |
| 2. | Whether the copies of judgment may be marked to Law Reporters/Journals? | Yes/No |
| 3. | Whether Their Ladyship/Lordship wish to see the fair copy of the Judgment? | Yes/No |

HON'BLE SRI JUSTICE S. RAVI KUMAR

WRIT PETITION No.4057 of 2001

ORDER:

This writ is preferred challenging the Award dated 29.08.2000 in I.D.No.45 of 1997 on the file of the Industrial Tribunal-cum-Labour Court, Ananthapur. The petitioners prayed for issue of a writ in the nature of certiorari holding that the Award as illegal, without jurisdiction and invalid.

2. It is the case of the petitioners that respondent No.2 was working as Traffic Inspector, Grade II in A.P.S.R.T.C. bus depot at Tadipatri and he was unauthorisedly absented to his duties from 01.06.1990 to 14.06.1990 and later produced a sick certificate for the said period. According to petitioners, due to his absence, there was dislocation of computer work and much difficulty was experienced in the Computer Section in issuing the trays to service conductors resulting inconvenience to the travelling public. According to petitioners, a charge sheet dated 27.06.1990 was issued on respondent No.2 for his unauthorized absence, for which he submitted explanation on 03.08.1990 and on a consideration of the same, disciplinary authority passed an order dated 13.08.1990 warning respondent No.2 and informing him that any repetition will be viewed seriously in future. According to petitioners, respondent No.2 preferred

appeal to the Divisional Manager and the same was rejected by the Appellate Authority on 20.12.1990 and review petition was also rejected. According to petitioners, thereafter the matter was referred to Industrial Tribunal under Section 10(1) of the Industrial Disputes Act, 1947 and the Presiding Officer of the Industrial Tribunal-cum-Labour Court, passed the impugned order treating the period from 01.06.1990 to 14.06.1990 as medical leave and directed the Department to pay the salary for the said period. Challenging the said order, present writ is filed.

3. Heard arguments.

4. Now the point that would arise for my consideration in this writ petition is:

Whether the order of the Presiding Officer of the Industrial Tribunal-cum-Labour Court, Anantapur, in treating absence period from 01.06.1990 to 14.06.1990 as medical leave is illegal, arbitrary and liable to be set aside?

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POINT:

5. The facts are not in dispute. It is a fact that respondent No.2 abstained from duties from 01.06.1990 to 14.06.1990, without prior sanction of leave and without intimation. It is evident from the record that a departmental enquiry was ordered for the unauthorized absence of the same period and the disciplinary authority warned the employee and to treat the period as unauthorized absence, that was challenged before the

Industrial Tribunal-cum-Labour Court and the Presiding Officer of the Labour Court on a consideration of the entire material on record ordered that the period of absence from 01.06.1990 to 14.06.1990 should be treated as medical leave and directed the department to pay salary for the said period. As seen from the material, the employee has produced sick certificate showing that he was not in a position to attend the office during that period and he could not inform the department about his sickness. Though all these aspects are considered by the Inquiry Officer still this period was treated as unauthorized absence, which the Labour Court found it as illegal and rectified the mistake by ordering the department to treat that period as leave and pay the salary for that period. I do not find any wrong in the Award of the Labour Court in treating this period as medical leave, particularly when the employee has produced sick certificate for the same period, from which it is evident that he was unwell and not in a position to attend to his duties. On a scrutiny of the material, I am of the view that the Labour Court has not committed any error in directing the petitioners to treat the absent period as leave and consequently to pay salary. For these reasons, I am of the view that writ is devoid of merits and liable to be dismissed.

6. Accordingly, the writ petition is dismissed. No costs.

7. Miscellaneous Petitions, if any, shall stand closed.

S. RAVI KUMAR, J

7th August 2015.

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