

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

* * * *

WRIT PETITION No.8927 OF 2005

—
—

Between:

The General Manager,
Singareni Collieries Co. Ltd.,
Sirampur Area, Adilabad District.

.. Petitioner

And

P. Saikumar and another.

.. Respondents

DATE OF JUDGMENT PRONOUNCED: 07-08-2015

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE SANJAY KUMAR

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

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.8927 of 2005

ORDER:

This writ petition was filed by the Singareni Collieries Company

Limited, Srirampur Area, Adilabad District, calling in question the Award dated 28.05.2004 passed by the Central Government Industrial Tribunal-cum-Labour Court at Hyderabad in L.C.I.D.No.230 of 2002.

By order dated 21.04.2005, this Court granted interim suspension of the impugned award.

Despite service of notice, the first respondent-workman, who filed the above L.C.I.D., did not choose to put in his appearance before this Court either in person or through learned counsel.

The L.C.I.D. was filed by the first respondent-workman under Section 2-A(2) of the Industrial Disputes Act, 1947 (for brevity, 'the Act of 1947'), assailing his removal from service by order dated 20.09.1993. The matter was contested by the Singareni Collieries Company Limited by filing a counter-affidavit. The Labour Court, upon due consideration of the matter, declared that there could be no doubt that the first respondent-workman, being the petitioner therein, did not deserve reinstatement as he had resorted to unfair practices by forging a medical certificate along with his father. It appears that the Labour Court was however inclined to show sympathy to the first respondent-workman only on the ground that the matter had been kept pending for six long years by the petitioner company. On that ground, the Labour Court granted six months gross pay multiplied by six as compensation to the first respondent-workman.

Owing to the interim suspension granted by this Court, the afore-stated award was not given effect to and no amount was paid to the first respondent-workman.

Sri Pattabhi Rama Rao, learned counsel for the petitioner company, contended that once the Labour Court came to the conclusions that it did, it was not open to it to show any sympathetic considerations to the first respondent-workman.

This Court is inclined to accept the afore-stated contention. The first respondent-workman was found to have resorted to committing forgery for securing employment. He could not be absolved of such a

serious misconduct merely because the petitioner company took time to deal with his case. Granting compensation to the first respondent-workman after finding that he had committed forgery would be putting a premium upon his misconduct. The award of the Labour Court directing payment of compensation to the first respondent-workman therefore cannot be sustained and is accordingly set aside.

The writ petition is allowed. Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

JUSTICE SANJAY KUMAR

7th August, 2015
PGS