

THE HON'BLE SRI JUSTICE S. RAVI KUMAR

-

WRIT PETITION No.22058 of 2003

Date:03.12.2015

Between:

APSRTC rep by its Depot Manager,
APSRTC, Ongole Depot,
Ongole and others.

... Petitioners.

AND

R. Alfred and others.

...Respondents.

The Court made the following:

THE HON'BLE SRI JUSTICE S. RAVI KUMAR

-

WRIT PETITION No.22058 of 2003

ORDER:

This writ petition is filed challenging Award dated 02-11-2002 in I.D.No.127/2000 on the file of Labour Court, Guntur.

2. First respondent joined in the Corporation as a Conductor on 07-05-1983 and he was issued a charge memo on 20-05-1995 for unauthorised absence and after framing appropriate charges, an enquiry was conducted, wherein he was found guilty and he was given punishment of removal. First respondent, thereafter, preferred appeal to the appellate Authority and also revision to the revisional authority and as both the appeal and revision were rejected, he approached Labour Court, Guntur by raising Industrial Dispute No.127/2000. Presiding Officer of the Labour Court, Guntur, on a consideration of material placed before her held that the charges levelled against the employee are not proved, therefore, ordered for reinstatement, but granted only 50% of back wages from the date of dismissal till date of reinstatement. Now challenging the said order, Corporation filed this writ petition.

3. Heard arguments.

4. Advocate for petitioners submitted that the orders of the labour Court are contrary to the law laid down by Hon'ble Supreme Court and the benefit given to the workman is arbitrary. He submitted that the evidence and material on record clearly probablizes the case of the Corporation, but the labour Court, without properly appreciating the same, ordered for reinstatement holding that charges are not proved. It is submitted that petitioners-management by issuing charge memo and conducting enquiry, passed the final order of removal following due procedure contemplated under regulations framed by Corporation and an opportunity was also given to the employee, but he has not utilised the same and there is no material before the Labour Court to interfere with the disciplinary proceedings and the Corporation has no other remedy except to approach this Court by invoking Article 227 of the Constitution of India.

2. On the other hand, Advocate for first respondent submitted that when the

charges are held to be not proved, the labour Court, instead of granting full wages, only granted 50% of the back wages, but unfortunately the first respondent has not challenged the said finding of the labour Court and labour Court has not committed any error labour Court in ordering reinstatement and that the writ is devoid of merits.

It is further submitted that the first respondent has retired in August, 2014 on attaining the age of superannuation.

3. I have perused the material particularly order of the labour Court dated 02-11-2002. As rightly pointed out by Advocate for first respondent, the Enquiry Officer has not considered the medical record produced by the employee for his absence and that was considered by the labour Court and held that the findings of the Enquiry Officer are incorrect. While holding that the charges levelled against the first respondent are not duly proved, the labour Court ordered for reinstatement of the employee with continuity of service and 50% of the back wages from the date of dismissal till date of reinstatement. As seen from the record, the alleged unauthorised absence was for eight days and considering the facts and circumstances of the case and the findings of the labour Court with regard to charges levelled against the employee, I am of the view that award of labour Court is reasonable and it has not committed any illegality or irregularity in passing such award.

4. For these reasons, I am of the view that there are no grounds to interfere with the award dated 02-11-2002 in I.D.No.127/2007 on the file of labour Court, Guntur and that the writ is liable to be dismissed as devoid of merits. Advocate for respondent represented that retirement benefits of employee are not finalised in view of this writ and a direction may be given to clear it within time schedule. Considering the same, petitioner is directed to settle the retirement benefits of the employee as expeditiously as possible, preferably within three months from the date of receipt of this order.

5. With above observations, writ petition is disposed of.

No costs.

6. As a sequel, miscellaneous petitions, if any, pending in this writ petition, shall stand dismissed.

JUSTICE S. RAVI KUMAR

Date:03.12.2015

mrh