

THE HON'BLE SRI JUSTICE S. RAVI KUMAR

WRIT PETITION No.4557 of 2003

-
Date:11.12.2015
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Between:

N. Sanjeev

... Petitioner.

AND

The Industrial Tribunal-cum-labour
Court, Godavarikhani, Karimnagar
District rep by its Chairman and
another.

...Respondents.

The Court made the following :

THE HON'BLE SRI JUSTICE S. RAVI KUMAR

WRIT PETITION No.4557 of 2003

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ORDER:
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This writ petition is filed challenging award dated
31-08-2000 published on 02-12-2000 in I.D.No.29/1996 on the file of
Industrial Tribunal-cum-Labour Court, Godavarikhani.

2. The petitioner herein joined the service of second respondent-
Corporation as a Conductor in the year 1987 and he was removed by
an order dated 09-10-1992 on the charges of non issue of tickets
having collected money from the passengers and that termination
order was challenged before the labour Court in I.D.No.29/1996.

3. Heard the arguments.

4. Advocate for petitioner submitted that award of the labour Court is not a reasoned one and the Presiding Officer has not at all considered the material though there are 18 documents marked and the explanation of petitioner for the charge levelled against him. He submitted that labour Court, except extracting contentions and rival contentions of both parties, finally saying that the charge is duly proved and that punishment is in proportion to the misconduct, there is no discussion about the material placed before it.

5. On the other hand, Advocate for second respondent-Corporation submitted that there is no illegality in the award passed by the labour Court.

6. I have perused the award dated 31-08-2000. As rightly pointed out by the Advocate for writ petitioner that it is a cryptic order without discussing any of the contentions of both sides. The learned Presiding Officer, except extracting the details of the 18 documents marked, nothing is stated about the case of the petitioner and the correctness of the enquiry held against the petitioner. Learned Presiding Officer, after extracting the details of the documents marked in the enquiry, said that the charge against the petitioner is proved and punishment of removal is proportionate to the charges. The award is not a reasoned award and therefore, it cannot be treated as award passed on consideration of material relied on by both parties. On a scrutiny of the material, I am of the view that this award cannot be sustained and it is a fit case to remit back the matter to the labour Court for fresh consideration.

7. For these reasons, petition is allowed and the award dated 31-08-2000 in I.D.No.29/1996 is set aside and the matter is remitted

back to Industrial Tribunal-cum-labour Court, Godavarikhani, Karimnagar District. Since the dispute is of the year 1996, I feel that a time frame has to be fixed for disposal of the dispute. Therefore, Presiding Officer of the Industrial Tribunal-cum-Godavarikhani shall dispose of the Industrial Dispute i.e., I.D.No.29/1996 afresh in accordance with law as expeditiously as possible, preferably within four months from the date of receipt of the order and record.

8. As a sequel, miscellaneous petitions, if any, pending in this writ petition, shall stand disposed of.

JUSTICE S. RAVI KUMAR

Date:11.12.2015

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