

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

* * * *

WRIT PETITION No.261 of 2010

Between:

G.Gurunathaiah

....Petitioner

and

The Industrial Tribunal – cum – Labour Court,
Anantapur, Rep.by its Chairman
Cum Presiding Officer, and another.

....Respondents

JUDGMENT PRONOUNCED ON : 23.03.2016

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO :

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

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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WRIT PETITION No.261 of 2010

ORDER:

The petitioner was appointed as a driver on 01.07.1986 and retired from service on 01.06.2008. He was issued a charge sheet on 18.05.1994 with a single charge. The petitioner submitted his explanation. The disciplinary authority passed orders on 25.07.1994 imposing punishment of deferment of annual grade increment for a period of two years with cumulative effect without conducting any enquiry. Challenging the said order, the petitioner preferred an appeal before the appellate authority and the same was rejected on 19.01.1995.

The review filed by the petitioner was also rejected on 27.10.1997. Challenging the rejection of appeal and the review, the petitioner filed I.D.No.69 of 2007 under Section 10(1)(c) of the Industrial Disputes Act, 1947, through the Employees Union. Though the Labour Court framed an issue with regard to the justification of imposing punishment, the dispute was ultimately dismissed on the ground of laches by holding that the petitioner approached the Labour Court after a gap of ten years. Challenging the said order dated 18.06.2008, the present Writ Petition is filed.

Learned Counsel for the petitioner submits that, though the petitioner approached the Assistant Commissioner of Labour in the year 2001, he submitted a report in the year 2006. Thereafter, on reference of the dispute, it was numbered as I.D.No.69 of 2007 by the Labour Court. Thus, the delay from 2001 to 2007 cannot be attributed to the petitioner. Learned Counsel for the petitioner produced before this Court the proceedings of the Assistant Commissioner of Labour and the representation filed by petitioner.

This Court is satisfied with regard to the delay that has occurred from 2001 to 2007. But, since the said fact was not brought to the notice of the Labour Court, the Labour Court was not in a position to appreciate the ground of delay.

In the circumstances, the award in I.D.No.69 of 2007, dated 18.06.2008, is set aside and the matter is remanded to the first respondent for consideration of the case of the petitioner afresh in accordance with law. The petitioner is given liberty to adduce additional evidence and the Labour Court shall pass an award within a period of six months from the date of receipt of a copy of this order by giving due opportunity to both sides. This Court is conscious of the fact that the petitioner retired from service in the meanwhile, and the exercise by the Labour Court is for only monitory purpose.

The Writ Petition is, accordingly, allowed. The miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

(A.RAMALINGESWARA RAO, J)

23.03.2016

vs