

THE HON'BLE SRI JUSTICE S.V. BHATT

W.P.No.16156 OF 2006

ORDER:

This writ petition is at the instance of petitioner-APSRTC questioning the award dated 12.09.2005 passed by the Labour Court, Guntur, in I.D. No. 291 of 2001.

On 08.03.1994, the 1st respondent-workman while working as Conductor in the APSRTC committed certain serious cash and ticket irregularities. The petitioner issued charge sheet, followed by the domestic enquiry. The 1st respondent was awarded punishment of reduction of pay by two increments with cumulative effect. The 1st respondent preferred appeal to the Senior Manager (O), Ongole and the appeal was rejected. Thereupon, the 1st respondent filed review petition with the Regional Manager, Ongole and it was also rejected. Not satisfied, the petitioner preferred reference to the Labour Court by way of industrial dispute. The Labour Court after considering the material on record set aside the punishment imposed by the petitioner-APSRTC. Aggrieved thereby, the petitioner-APSRTC filed the present writ petition.

This Court, on 23.10.2008 in W.P.M.P.No.20156 of 2006, granted suspension of the impugned award.

It is contended that the Labour Court failed to see that the punishment was imposed after conducting domestic enquiry and as such there was no illegality in the punishment impugned.

The finding of the Labour Court is as follows:

“The punishment imposed is reducing of pay by two increments for two years, it is one punishment. Another punishment is that the normal increments due for those two years were withheld permanently. I, therefore, hold that the punishment is not in proportion to the charges.

“The punishment was imposed by order dated 8.9.94 and the reference was made on 22.10.2001. Therefore, the punishment shall be restricted to the date of reference. Hence, I answer the point accordingly.

In the result, the reference is partly answered in favour of the claimant. The punishment of reducing the pay of the claimant by two increments for a period of two years with cumulative effect is set aside with effect from the date of reference i.e., 22.10.2001 and the respondent shall restore the increments to the claimant from the date of the reference i.e., 22.10.2001 and shall pay the arrears within two months treating the period of suspension as leave due is not punishment. Award is passed accordingly.”

Except alleging that proper findings are not recorded, the petitioner failed to point out how the said contention is established. To appreciate the controversy between the parties and conclusions arrived at by the Tribunal, with the assistance of the learned counsel appearing for the petitioner, I have carefully gone through the order dated 12.09.2005. In the considered view of this Court, the Tribunal, having considered the material available on record, had arrived at a just fact and awarded relief in the facts and circumstances of this case. I do not see any illegality or error apparent on the face of the record to interfere with the order impugned in the writ petition.

The writ petition fails and is accordingly dismissed. There shall be no order as to costs.

Consequently, miscellaneous petitions, if any pending, also stand disposed of.

S.V.BHATT, J

Date:18.08.2016
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