

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

W.P.No. 5606 OF 2001

ORDER:

This Writ Petition is filed challenging the award dated 08-09-2000 passed in I.D.No. 148 of 1997 before the Chairman, Industrial Tribunal – cum – Labour Court, Godavarikhani ("the Tribunal" for short).

The 1st respondent was appointed as a conductor and was attached to 1st petitioner. On 28-06-1996, the 1st respondent was absent from duty and continued to absent till 04-07-1996. Thereafter, a memo was issued framing two charges against the 1st respondent for his unauthorized absence, conducted an enquiry, found him guilty for the misconduct and imposed appropriate penalty.

Aggrieved by the punishment imposed against the 1st respondent, I.D.No. 148 of 1997 was filed and the same was allowed by the Tribunal.

The award is under challenge on various grounds but the petitioners did not prosecute the proceedings against the 1st respondent; thereby, allowed this Court to dismiss the Writ Petition against him for default and, accordingly, this Court dismissed the Writ Petition against the 1st respondent by order dated 28-04-2009. Thereafter, no steps were taken till today to restore the Writ Petition against the 1st respondent. In fact, when this matter came up before this Court on 21-01-2016, there was no representation on behalf of the petitioners. The matter again was directed to be listed on 22-01-2016 under the caption "For Dismissal". On 22-01-2016, learned counsel for the petitioners sought time to take steps to restore the petitioner against the 1st respondent noticing dismissal of the Writ Petition against the 1st respondent. Accordingly, it is listed today. Even today, no steps are taken to restore the Writ Petition against the 1st respondent though the matter is listed under the caption "For Dismissal".

Since the 1st respondent is the person who filed I.D. before the Tribunal and obtained an order in his favour, the Writ Petition, therefore, cannot be decided against the 1st respondent in his absence. Hence, the Writ Petition against the 2nd respondent is also dismissed. Pending miscellaneous petitions, if any, in this Writ

Petition shall stand dismissed in consequence. No order as to costs.

M.SATYANARAYANA MURTHY, J.

Date: 29th January, 2016.

JSK