

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

WRIT PETITION No.139 of 2004

ORDER:

The writ petition is filed under Article 226 of the Constitution of India seeking a writ of Certiorari calling for the records relating to the impugned award dated 27.06.2003 made in I.D.No.117/2002, Industrial Tribunal-II, Hyderabad, published on 05.09.2003, setting aside the order of disengagement dated 08.08.1997 and directing reinstatement of first respondent into service with continuity of service, attendant benefits and 50% back wages and quash the same as being illegal, without jurisdiction and invalid and to pass such other necessary orders.

Heard both the counsels.

The facts leading to file the present writ petition are briefly as follows:

The first respondent was appointed as a casual driver on daily wage basis in the petitioner-corporation on 06.12.1996. On 01.01.1997 the petitioner caused a fatal accident near Patancheru resulting the death of one scooterist and one pillion rider. The petitioner corporation issued a charge memo to the first respondent on 24.04.1997 who in turn submitted his explanation. Being not satisfied with the explanation submitted by the first respondent, the petitioner initiated disciplinary proceedings by appointing an Enquiry Officer. After completion of the enquiry, the Enquiry Officer submitted a report stating that the first respondent was responsible for the accident. The appeal preferred by the first respondent was rejected by the competent authority. Thereafter the first respondent filed an application under Section 2(A)2 of the Industrial Disputes Act and the same was numbered as I.D.No.117 of 2002. The Labour Court allowed the

application filed by the first respondent with a direction to reinstate the first respondent into service. The Labour Court further directed the petitioner to pay 50% of the back wages. Hence, the present writ petition.

At the time of arguments, learned counsel for the petitioner submitted that the services of the first respondent were regularized on 05.10.2007 on permanent basis. Learned counsel for the first respondent submitted that the first respondent is willing to forego 50% of the back wages awarded by the Tribunal. Learned counsel for the petitioner also submitted that he has no objection for other terms and conditions of the award in view of the regularization of the services of the first respondent.

In view of the submission made by both the counsels, the writ petition is disposed of on a condition that the first respondent is not entitled for 50% of the back wages as awarded by the Labour Court. The remaining portion of the award is unaltered. Consequently, the miscellaneous petitions if any pending in this writ petition shall stand closed.

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T.SUNIL CHOWDARY, J

April 25, 2016.
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