

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No.23768 of 2016

Order:

The petitioner is the APSRTC Staff and Workers Federation, Nellore. It resolved to raise the dispute of Sri V. Gokul, Conductor relating to imposition of punishment or deferment of annual increment for a period of one year which will have effect on future increments. Accordingly, a Conciliation Application was filed on 16.10.2015 before the first respondent under Section 10(1) of the Industrial Disputes Act, 1947. When the said application was rejected by proceedings dated 03.02.2016, the present Writ Petition is filed.

2. In view of the pendency of conciliation, this Court purposely omitted the averments relating to the cause leading to the imposition of punishment. When the matter is taken up for consideration, learned Government Pleader for the respondents 1 and 2 and the learned Standing Counsel for the respondents 3 and 4 submitted that the duty of the first respondent is a ministerial act and he has to see whether there is any possibility of conciliation or not of the dispute and if there is no possibility, he has to refer the matter to the concerned Labour Court in accordance with law which shall decide the various objections relating to the dispute.

3. In view of the same, the impugned order dated 03.02.2016 passed by the first respondent is set aside and the application filed by the petitioner is directed to be taken by him and dispose of the same in accordance with law. In view of the submission of the learned Government Pleader that the decision taken by the first respondent in the

impugned order with regard to limitation aspect is not correct in law, the first respondent is directed to consider the application without going into the aspect of limitation and dispose of the same in accordance with law.

4. The Writ Petition is, accordingly, allowed. There shall be no order as to costs.

5. As a sequel thereto, the miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

Date: 02.09.2016
Nsr

A. RAMALINGESWARA RAO, J

