

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

W.P.No.13701 of 2016

ORDER

This writ petition is filed challenging the action of the 1st respondent in not registering the case of the petitioner filed under Section 2 (k) of the Industrial Disputes Act, 1947.

The petitioner was appointed as Conductor in the respondent-Corporation in the year 1992. While he was performing her duties on 30.3.2001 on vehicle bearing No.AP 10Z 740 on route Kousalyadevipally, a check was exercised by the checking officials. Pursuant to the same, a charge memo was issued to her on 30.3.2001 and it was followed by a charge sheet on 9.4.2001 framing nine charges, for which, the petitioner submitted her explanation. Without considering the said explanation, the 2nd respondent appointed Enquiry Officer, who, in turn, submitted his report on 8.6.2001. Based on the said enquiry report, the petitioner was issued with a show cause notice for reduction of his increment. Thereafter, the 2nd respondent vide proceedings dated 2.7.2001 imposed punishment of reducing pay by one incremental stage for a period of two years with cumulative effect besides treating the suspension period as 'not on duty'. Aggrieved by the same, the petitioner preferred

an appeal before the appellate authority and the same was rejected on 18.5.2002. Challenging the same, she preferred a review petition before the 2nd respondent and the same was also rejected vide order dated 7.7.2003. Thereafter, the petitioner preferred a conciliation application before the 1st respondent on 4.7.2008 under Section 2 (k) of the Industrial Disputes Act, 1947, but the same was returned on the ground that the dispute should be raised by the registered union. Pursuant to the same, the petitioner submitted a fresh conciliation application through registered union i.e., National Mazdoor Union in the month of April, 2012. However, the first respondent refused by raising certain oral objections and returned the same on 14.6.2014. When the first respondent has not taken any further action, the present writ petition is filed.

Even after adjourning the matter on four occasions, learned Government Pleader could not get instructions.

In the circumstances, the Writ Petition is disposed of directing the first respondent to consider the application filed by the National Mazdoor Union on behalf of the petitioner in April, 2012 and dispose of the same, in accordance with law, within a period of three months from the date of receipt of a copy of this order. No costs.

Miscellaneous petitions, if any, pending shall

stand closed.

JUSTICE A.RAMALINGESWARA RAO

25th July, 2016
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