

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.22681 OF 2000

ORDER:

This writ petition is filed seeking to call for the records relating to and connected with I.D.No.241 of 1998 passed by the Industrial Tribunal-cum-Labour Court, Visakhapatnam on 24.6.2000 and quash or set aside the same and to declare the termination orders dated 8.11.1991 passed by the 1st respondent as arbitrary, illegal and in violation of principles of natural justice and consequently to direct the 1st respondent to reinstate the petitioner into service with all consequential benefits.

Heard Smt. M.Indrani, counsel representing Sri Challa Gunaranjan, learned counsel for the petitioner and Sri V.Suresh Kumar, learned counsel representing the counsel for the respondents.

It is the case of the petitioner that he was appointed as a Clerk-cum-Cashier in the 1st respondent bank on 2.1.1980 and his services were regularized with effect from 24.8.1981, that while he was working as such in the 1st respondent bank, his father has suffered serious health problems during October, 1990, and in order to take care of his father, he had applied for leave. Initially, the leave was sanctioned for some time. Subsequently, the leave was not sanctioned even though he submitted leave applications. During December, 1990, he submitted a representation to the respondent authorities seeking to permit him to join duty, but, no action was taken by the respondents. Thereafter, without giving any opportunity to him, vide order dated 8.11.1991, he was terminated from service. Challenging the termination orders passed by the 1st respondent, he filed I.D.241 of 1998 and Hon'ble Industrial Tribunal-cum-Labour Court had passed orders on 24.6.2000 wherein nil award was passed.

The respondents have filed a counter contending that the petitioner was absent unauthorizedly for a period of 806 days upto 1989, 574 days upto 1987 and he was absent even during the years 1984-85. Two notices have been sent to the petitioner advising him to report to duty within one month from the date of receipt of notice and also stating that if he fails to report to duty, it would be deemed that he has voluntarily retired from service. As there was no response from the petitioner, a final notice was sent to him, which was acknowledged by him.

Learned counsel for the petitioner submits that the Industrial Tribunal-cum-Labour Court had failed to appreciate the evidence and had mechanically passed orders in I.D.No.241 of 1998 where nil award was passed. The Industrial Tribunal-cum-Labour Court, ought to have ordered reinstatement of the petitioner.

Sri E.V. Suresh Kumar, learned counsel representing the counsel for the respondents contends that the 1st respondent had passed termination orders on 8.11.1991 after following the procedure laid down in the regulations of the 1st respondent bank, and after giving sufficient opportunity, his services were terminated; and this Court cannot interfere in the matters of disciplinary proceedings, more so when the Industrial-Tribunal-cum-Labour Court has passed nil award.

I have examined the contentions of both the parties. Except making a bald statement that the father of the petitioner was not well, due to which, he could not attend his duties, the petitioner has not let in any evidence before the Industrial Tribunal-cum-Labour Court so as to prove his contention that he has not received any notices from the 1st respondent. I do not see any illegality said to have been committed by the Industrial Tribunal-cum-Labour Court in passing a Nil award.

In view of the circumstances obtaining in this case, there are no merits in the writ petition and accordingly, the writ petition is dismissed as devoid of merits.

Pending miscellaneous petitions, if any, shall also stand dismissed.
No order as to costs.

ABHINAND KUMAR SHAVILI ,J

Date:30.11.2017

KPM

