

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.17887 OF 2000

ORDER:

1. This writ petition is filed seeking to issue a writ of Certiorari calling for the records relating to I.D.No.104 of 1994 on the file of the 1st respondent-Labour Court, and to quash the award therein dated 24.1.2000.
2. Heard Sri P. Durga Prasad, learned Standing Counsel for APSRTC and Sri P. Govinda Rajulu, learned Counsel for the 2nd respondent.
3. It is the case of the petitioner that the 2nd respondent was appointed as driver on 29.7.1990 and he was dismissed from service on 16.9.1993 after conducting departmental enquiry on the allegations that having involved in a criminal case and convicted therein, he failed to report the same to the department; and that challenging the dismissal order, the 2nd respondent filed the above I.D. before the 1st respondent-Labour Court and the Labour Court passed award setting aside the order of dismissal and directing the petitioner to reinstate the 2nd respondent into service with full backwages and continuity of service. Questioning the said award, the petitioner filed the present writ petition.
4. It has been brought to the notice of this Court that during the pendency of this writ petition, the 2nd respondent was reinstated into service. The only question that remains to be considered is whether the award passed by the 1st respondent needs interference in respect of the payment of full backwages and continuity of service.

5. From the perusal on record, it is obvious that APSRTC conducted a detailed enquiry on the allegations that the involvement of the 2nd respondent in criminal case and his conviction was not reported to the department. The enquiry officer held that the charges were proved. After following due process, the petitioner imposed punishment of dismissal on the 2nd respondent. Be that as it may, the fact remains undisputed is that the 2nd respondent was reinstated into service during the pendency of this writ petition. Considering the circumstances of the case and the gravity of the charges proved, this Court is of the view that the ends of justice would be met if the award passed by the 1st respondent is modified in respect of payment of full back wages.

6. In the circumstances, the direction of payment of full backwages given by the 1st respondent-Labour Court in the award impugned is set aside. Rest of the award passed by the 1st respondent-Labour Court is confirmed.

7. With the above modification, the Writ Petition is disposed of. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

(ABHINAND KUMAR SHAVILI.J)

27th November, 2017
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27.11.2017

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