

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.20906 OF 2001

ORDER

Heard Sri K.Srinivasa Rao, learned counsel, representing Smt M.Vinobha Devi, learned counsel for the petitioner and Sri A.Ravi Babu, learned Standing Counsel appearing for the 2nd respondent-Corporation.

This writ petition is filed seeking to issue a writ of Mandamus declaring that the petitioner is entitled to the wages in the minimum time scale of conductor and that the seniority for the services rendered by him from 16.12.1987 onwards be counted for fixing his pay in the revised pay scales and for the purpose of promotion.

It is the case of the petitioner that he was appointed as a Conductor on 16.12.1987 in the 2nd respondent-Corporation; that while working as such, a check was exercised by the checking officials on 21.07.1992 and certain irregularities were found; that based on which, charge sheet was issued to him on 6.8.1992; and that after conducting regular departmental enquiry, the petitioner was imposed the punishment of removal from service vide order dated 27.02.1993 for the proven mis-conduct in the enquiry. Challenging the said order, the petitioner had preferred I.D.No.86 of 1993 and the 1st respondent-Industrial Tribunal-cum-Labour Court, Godavarikhani, after considering the entire material available on record and after hearing the learned counsel on either

side, held that the charge framed against the petitioner was proved, and passed an Award on 12.09.1994 directing the 2nd respondent-Corporation to appoint the petitioner as Conductor afresh while directing that after order of re-appointment, the petitioner would be entitled to 90% of the salary only for one year from the date of such fresh appointment. Questioning the same, the present writ petition is filed.

Learned Standing Counsel appearing for the 2nd respondent-Corporation contends that the 1st respondent had rightly passed the award and in terms thereof, the petitioner was reinstated into service and hence, no further interference is called for from this Court.

A perusal of the record discloses that the petitioner has not examined any of the witnesses nor led any evidence seeking payment of wages or atleast for continuity of service. In the absence of the same, this Court cannot sit in appeal over the Award passed by the 1st respondent. I do not see any merits in the writ petition.

Accordingly, the Writ Petition is dismissed. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

6th December, 2017
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