

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.21755 OF 2003

ORDER:

This writ petition is filed seeking writ of certiorari calling for the records relating to the impugned order dated 02.07.2003 made in M.P.No.47 of 2002, wherein the application filed by the 1st respondent under Section 33-C(2) of Industrial Disputes Act, 1947 was allowed. The aforesaid application was filed in pursuant to Award made in I.D.No.105 of 1998, in which punishment imposed on the 1st respondent was set aside and held that the 1st respondent is entitled for all the benefits which he was denied by the petitioner management by way of punishment.

2. Brief facts of the case are that the 1st respondent has filed M.P.No.47 of 2002 claiming benefits of wages for the period in which he was under suspension on the ground that punishment imposed on the 1st respondent was set aside by the Labour Court in I.D.No.105 of 1998 by it's order dated 27.03.2000.

3. Heard learned Standing Counsel for the petitioner and Sri V.Sudhakar Reddy, learned counsel for the 1st respondent.

4. Learned Standing Counsel for the petitioner submits that the disciplinary authority passed an order treating the

suspension period as not on duty and that it is not a punishment. He submits that the Labour Court by Award dated 27.03.2000 in I.D.No.105 of 1998 only set aside the suspension and held that workman is entitled to all the benefits which he was deprived by way of punishment. He further submits that since the order passed by the Disciplinary Authority treating the suspension period as not on duty and same is not punishment, the order passed by the petitioner holds good and the 1st respondent is not entitled for the monitory benefits or wages during the period of suspension. He submits that though the order of the disciplinary authority is in force, the Labour Court erroneously allowed the M.P filed by the 1st respondent granting benefits during the period of suspension.

5. In this case, it is to be seen that initially against the punishment imposed by the petitioner on the 1st respondent, the 1st respondent filed ID No.105 of 1998, wherein the Labour Court allowed the same vide Award dated 27.03.2000. A reference was made by the Government of Andhra Pradesh under Section 10(1)(c) of the Industrial Disputes Act, 1947 on a dispute raised by the General Secretary of Staff in the case of workman Sri B.Apparao, Conductor, the 1st respondent herein, who was deprived his annual grade increment for a period of one year, which reads as follows:

“Whether the action of the Deputy Chief Traffic Manager, APSRTC, Srikakulam depot in postponing of annual grade increment for a period of one year, besides treating the suspension period as not on duty to Sri B.Apparao, Conductor, is justified?”

After considering the aforesaid reference made by the Government of Andhra Pradesh, ultimately, the I.D.No.105 of 1998 was allowed and punishment imposed on the 1st respondent was set aside holding that he is entitled for all the benefits, which he was deprived by way of punishment by the petitioner-management. As a result of the Award in the aforesaid ID, punishment imposed on the 1st respondent is set aside and the disciplinary proceedings have been dropped. When once punishment is set aside and all disciplinary proceedings are dropped against 1st respondent, it goes without saying that question of not granting monetary benefit does not arise. It is also brought to the notice of this Court that the petitioner also paid 50% of the amounts which the 1st respondent is entitled and the same was received by 1st respondent. Hence, the 1st respondent is entitled for all the benefits during the period of suspension also, as rightly held by the Labour Court.

In view of above facts and circumstances, I do not see any reason to interdict the Award dated 02.07.2003 passed by the Labour Court in M.P.No.47 of 2002 by exercising the power under Article 226 of the Constitution of India.

Accordingly, the writ petition is dismissed. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY,J

12-07-2017
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Date: 12.07.2017

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