

THE HON' BLE SRI JUSTICE M. SEETHARAMA MURTI

WRIT PETITION No.22283 of 2006

ORDER:

This writ petition, under Article 226 of the Constitution of India, is filed by the petitioner/ Ex-Conductor, assailing the Award, dated 05.12.2005, of the learned Chairman-cum-Presiding Officer, Industrial Tribunal-cum-Labour Court, at Godavarikhani, ('the Tribunal', for brevity) passed in I.D.No.86 of 2004.

2. I have heard the submissions of *Sri P.Govindarajulu*, learned counsel appearing for the writ petitioner, and of *Sri A.Ravi Babu*, learned Standing Counsel for TSRTC representing the respondent. I have perused the material record.

3. The facts, in a nut shell, are as follows:

For certain alleged cash and ticketing irregularities, a domestic enquiry was ordered by the respondent Corporation against the petitioner. After due enquiry, the Enquiry Officer found that the charges levelled against the petitioner were proved. Eventually, orders, dated 25.11.2003, were passed removing the petitioner from service. After exhausting the departmental remedies, the petitioner raised an industrial dispute and filed a claim petition. The same was resisted by the Corporation. By the Award impugned in this writ petition, the learned Chairman-cum-Presiding Officer of the Industrial Tribunal-cum-Labour Court dismissed the claim petition and passed a 'Nil' award.

4. Aggrieved thereby, the petitioner-workman is before this Court.

5. At the hearing, learned counsel for the petitioner would submit as under: "The jurisdiction of the Industrial Tribunal-cum-Labour Court is akin to that of a first appellate Court. The Tribunal-Labour Court is the last Court

of fact. The Industrial Tribunal-cum-Labour Court is enjoined with a duty to appreciate the facts correctly and the evidence in proper perspective and is required to arrive at independent findings and final decision in the matter. In the case on hand, the Industrial Tribunal-cum-Labour Court failed to discharge the said duty as contemplated under law and simply endorsed the findings of the Enquiry Officer even without assigning any reasons, much less valid reasons. In that view of the matter, the award is unsustainable and is liable to be set aside. In the said facts and circumstances, the matter requires to be remitted to the Industrial Tribunal-cum-Labour Court for *de novo* disposal.

6. Learned Standing Counsel for the Corporation would also submit that the learned Chairman-cum-Presiding Officer of the Industrial Tribunal-cum-Labour Court failed to follow the procedure contemplated under law and further endorses the submissions of the learned counsel for the petitioner and submits that the matter requires adjudication afresh by the Industrial Tribunal-cum-Labour Court in accordance with law.

7. Having regard to the facts & circumstances and the submissions that the matter requires to be remitted to the Industrial Tribunal-cum-Labour Court, this Court is of the considered view that the writ petition can be ordered accordingly.

8. In the result, the Writ Petition is allowed; and the Award impugned is set aside and the matter is remitted to the Industrial Tribunal-cum-Labour Court, Godavarikhani, for disposal afresh in strict accordance with the procedure established by law. Considering the fact that the matter is sufficiently old matter, the learned Chairman-cum-Presiding Officer of the Industrial Tribunal-cum-Labour Court is directed to dispose of the matter

afresh as expeditiously as possible and preferably, within a period of two months from the date of receipt of a copy of this order.

Pending miscellaneous petitions, if any, shall stand closed.

There shall be no order as to costs.

21st April, 2017
RAR

M. SEETHARAMA MURTI, J

