

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.19040 OF 2005

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking the following relief:-

“to set aside the impugned Award dated 16-11-2004 in ID No.117/2000 of Addl. Industrial Tribunal-cum-Addl. Labour Court, Hyderabad, passed directing the petitioner to reinstate the respondent into service with continuity of service, but withholding two increments without cumulative effect for the years 1994 and 1995, but without back-wages up to the date of filing of this I.D. on 29-9-2000 and 25% back wages from that date till the date of this impugned Award dated 16-11-2004, by issuing appropriate writ, order or direction in the nature of Writ of Mandamus and pass such order or orders in the interest of justice and equity.”

2. Respondent No.1 herein, who is a Cleaner in A.P.S.R.T.C. Bus Depot, Kukatpally Depot, Hyderabad, filed I.D.No.117 of 2000 before respondent No.2/The Additional Industrial Tribunal – cum - Additional Labour Court, Hyderabad questioning his removal from service after a domestic enquiry on the charges of absenteeism seeking to reinstate him into service with all service benefits. Considering all the facts and circumstances of the case and the oral and documentary evidence available on record, respondent No.2 passed an award on 16.11.2004. The operative portion of the said award reads as under:-

“The award is passed to the effect directing the respondent to reinstate the petitioner into service with continuity of service, but withholding two increments without cumulative effect for the years

1994 and 1995, but without any back wages up to the date of filing of Industrial Dispute before this Court i.e. 29-9-2000 and 25% back wages from that date till the date of this order i.e. 16-11-2004. In the circumstances of the case both the parties are directed to bear their own costs.”

Challenging the said Award, the Depot Manager, APSRTC Bus Depot, Kukatpally, Hyderabad filed the present writ petition.

3. Heard and perused the material available on record.

4. Admittedly, respondent No.1 has not filed any cross objections challenging the impugned award and he was already reinstated into service and continuing in service. The Tribunal also held that the charge of absenteeism is only partly proved and hence, respondent No.1 is entitled to 25% of the back wages. Considering all the facts and circumstances of the case, this Court is of the view that the Tribunal rightly passed the impugned award and there is neither illegality nor perversity in passing the said award and hence, the same does not warrant any interference of this Court and the writ petition is liable to be dismissed.

5. Accordingly, the Writ Petition is dismissed confirming the award, dated 16.11.2004, in I.D.No.117 of 2000 on the file of the Additional Industrial Tribunal – cum – Additional Labour Court, Hyderabad. There shall be no order as to costs.

6. Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

JUSTICE RAJA ELANGO

Date : 02.08.2017
AMD

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