

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 21582 of 2001

ORDER:

This writ petition is filed seeking a writ of certiorari calling for the records relating to and connected with I.D.No.242 of 1997 on the file of the Chairman-cum-Presiding Officer, Industrial Tribunal-cum-Labour Court, Anantapur, and set aside the Award dated 07.08.2001 passed therein.

2. Heard Sri J.Ugra Narasimha, counsel for the Petitioner and Sri C.Ramachandra Reddy, counsel for the 1st Respondent.

3. Learned counsel for the Petitioner-Company submits that the Respondent-Workman was engaged with the Petitioner-Management and he was un-authorisedly remained absent for long spells. In those set of circumstances, the Petitioner-Management had construed the said absence as misconduct and initiated disciplinary proceedings against the workman, and after conducting the enquiry, the Respondent-workman was removed from service for the proven misconduct. Challenging the same, the Respondent-workman filed I.D.No.242 of 1997 before the Industrial Tribunal, and the Tribunal had passed the impugned Award dated 07.08.2001, directing that the Respondent-Workman be reinstated into service afresh.

Counsel appearing for the Petitioner-Management further submits that the Tribunal ought not to have interfered with the punishment orders of removal, and ought not to have modified the same to the extent of fresh appointment, by taking a lenient view.

4. On the other hand, the learned counsel appearing for the Respondent-Workman submits that the Tribunal has rightly passed the Award directing reinstatement of the workman into service afresh. The learned counsel further submits that the Management has not even paid the wages under Sec.17-B of the Industrial Disputes Act to the workman.

5. I have considered the rival submissions made by both the parties. The Respondent-workman has not come up with any counter-affidavit about the non-payment of Sec.17-B wages. The Respondent-workman had also not filed any affidavit before the Petitioner-Management to the effect that he has not gainfully employed and Sec.17-B wages should be paid to him. Be that as it may, in my considered opinion, the ends of justice would be met if the Award passed by the Tribunal is modified by granting a sum of Rs.25,000/- as compensation, in lieu of reinstatement.

6. Accordingly, Petitioner-Management is directed to pay a sum of Rs.25,000/- to the workman, within a period of eight weeks from the date of receipt copy of this order.

7. With the above direction, the writ petition is disposed of. As a sequel, the miscellaneous applications pending, if any, shall stand closed. There shall be no order as to costs.

Abhinand Kumar Shavili, J

December 27, 2017
Kv

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