

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

The Hon'ble Sri Justice V.RAMASUBRAMANIAN
and
The Hon'ble Sri Justice M. GANGA RAO

WRIT APPEAL No.1588 OF 2017

Between:

M. Ravinder Reddy S/o.Penta Reddy,
Aged about 52 years, Occ: Driver, E.No.200899,
R/o.Rajole, Zaheerabad, Sangareddy District,
(Old Medak District).

...appellant

Vs.

Labour Court-II,
Represented by its Presiding Officer,
Chandravihar Buildings, 4th floor,
M.J.Road, Hyderabad-I and others.

.. Respondents

For Appellant : Sri V. Narasimha Goud

For Respondents : G.P. for Labour
Sri N. Vasudeva Reddy



HON' BLE SRI JUSTICE V. RAMASUBRAMANIAN
AND
HON' BLE SRI JUSTICE M. GANGA RAO

WRIT APPEAL No.1588 OF 2017

JUDGMENT: (per V. Ramasubramanian, J)

The workman has come up with the above writ appeal, as against the order of the learned single Judge, despite the fact that the learned single Judge modified the order of award passed by the Labour Court partially in favour of the petitioner.

2. Heard Mr.V. Narasimha Goud, learned counsel for the petitioner. Mr. N. Vasudeva Reddy, learned Standing Counsel takes notice for the respondent Corporation.

3. The appellant was appointed as a Driver on 27.11.1986. When he was working as Driver, a criminal complaint came to be registered against the appellant, at the instance of his elder brother. The appellant was arrested on 19.04.2003. The criminal case ended in conviction. But, the conviction was set aside on an appeal.

4. In the meantime, charges were framed against the appellant, on the ground that he failed to submit correct information about the factum of his arrest and detention. This charge memo led to an enquiry which culminated in an order of penalty of removal from service.

5. Aggrieved by the order of removal, the appellant raised an Industrial Dispute in I.D. No.77 of 2005. By an award passed on 17.05.2007, the labour Court directed the appellant to be taken back to duty as a fresh candidate without any back wages.

6. Aggrieved by the award passed by the Labour Court, the appellant filed a writ petition in W.P. No.3516 of 2008. Fortunately for the appellant, the management did not file a writ petition against the award. The learned single Judge allowed the writ petition partly by an order dated 27.03.2017, directing reinstatement with continuity of service but without back wages

and attendant benefits. Aggrieved by the denial of the attendant benefits, the appellant has come up with the above writ appeal.

7. There are at least two findings recorded by the Labour Court as well as the learned single Judge that the appellant submitted leave applications, on medical certificates during the period when he was under detention. Though the learned counsel for the appellant contended and though the same contention was also accepted by the learned single Judge that the submission of false medical certificates was not the subject matter of the disciplinary proceedings, the same nevertheless probably weighed in the mind of the learned single Judge while denying the claim for attendant benefits.

8. It is to be pointed out that as against the award of the Labour Court, the jurisdiction of this Court under Article 226 of the Constitution of India is extremely circumscribed, irrespective of whether the workman or the Management is before this Court. The original order of penalty imposed by the Management was one of removal from service. The Labour Court interfered under Section 11A of the Industrial Disputes Act, which power is non-existent under Article 226 of the Constitution of India, and ordered the appellant to be taken back as a fresh candidate without back wages. The learned Judge modified the said order and directed reinstatement with continuity of service. We do not think that the appellant can ask for anything more. Therefore, the writ appeal is dismissed.

9. As a sequel thereto, miscellaneous petitions, if any, pending shall stand dismissed. No order as to costs.

V. RAMASUBRAMANIAN, J

M. GANGA RAO, J

October 30, 2017
KTL

