

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No. 39477 of 2017

Order:

This Writ Petition is filed challenging the Award passed by the second respondent in I.D.No.76 of 2015 dated 09.01.2017.

The petitioner was appointed as a Casual Driver on 18.02.1998 after undergoing the process of selection. Initially, he was appointed in Emmiganur Bus Depot and thereafter he was transferred to Banaganapalle Bus Depot. He was issued a charge sheet on 10.11.1998 alleging that he was absented for duty from 15.10.1998 to 10.11.1998 without permission. He submitted an explanation. An enquiry was conducted and the services of the petitioner were terminated on 02.07.1999. Against the said order, he preferred an appeal on 15.12.2014 after lapse of nearly 15 years. The appeal was rejected on the ground that it was preferred after 14 years 5 months and a review was filed before the Regional Manager. He also rejected the review agreeing with the order of the appellate authority by observing that it is an old case of 16 years and he was not inclined to consider the case. Then the petitioner filed I.D.No.76 of 2015 and the same was dismissed on 09.01.2017 with the following observations:

“17. Coming to the facts on hand the petitioner/workman is only a casual Driver not even completed continuous service of 240 days service in the meantime he went on sick leave for 21 days, absented from duties for 27 days (present case) and after passing removal order by the respondent authority on 02.07.1999 he had moved an appeal and review and also approached this Court after lapse of 15 days and the respondent authority has clearly pointed out in the counter regarding preferring appeal and review after due delay of 18 years (in fact it is only 15 years) without any justifiable cause and reasons. Therefore in the absence of any acceptable reasons for moving the application after considerable period of 15 years how could the Court accepts that the respondent authority has erroneously rejected the appeal and not considered by the review authority. Had really the petitioner suffered for livelihood or dedication towards his duties he would have certainly moved an application immediately after orders passed by the respondent authority so as to consider by appellate authority or consider by the review and but moving an appeal before the appellate and

review authorities as well as this court after considerable period of 15 years can we expect that the petitioner really in need of livelihood so as to consider by this Court to invoke the provision under Section 11-A of the I.D. Act.”

I have gone through the above reasons and merely because the petitioner preferred an appeal after lapse of 14 years a fresh cause of action would not arise for filing the present Writ Petition. The appeal was rightly dismissed by the appellate authority and the reviewing authority and the same was confirmed by the Labour Court. In the circumstances, this Court sees no ground to interfere with the Award passed by the Labour Court.

The Writ Petition is, accordingly, dismissed. There shall be no order as to costs.

As a sequel thereto, the miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

Date: 22.11.2017
Nsr

A. RAMALINGESWARA RAO, J

